

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, February 9, 2010

10:00 AM

Commission Chambers

Civil Service Board

*Miguel M. de la O, Chairperson
William J. Scarola, Chief Examiner
Michael T. Dames, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:17 a.m. The roll call at the commencement of the meeting was as follows:

Present: Chief Examiner Scarola, Chairperson de la O and Member Dames

Vacant: Member **Vacancy

A. APPROVING THE MINUTES OF:

Regular Meeting of January 26, 2010.

**Motion by Chief Examiner Scarola, seconded by Member Dames, to APPROVE.
PASSED by the following vote.**

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

B. PERSONNEL MATTERS**C. MILITARY LEAVES OF ABSENCE****D. DISCIPLINARY MATTERS****E. GENERAL ITEMS**

- E.1** Copy of a Settlement between the City of Miami and Paul Walters, Maintenance Shop Worker, concerning his 5-day suspension, effective May 11, 2009. (NOTIFICATION)

NOTIFIED

- E.2** Copy of a Request from Barnaby Min, Assistant City Attorney, regarding the grievance hearing on behalf of Suzann E. Nicholson. (DISCUSSION)
- Chairman de la O asked the department's attorney to summarize his argument for the Board [in the matter of Suzann Nicholson.]. Barnaby A. Min, Assistant City Attorney (ACA) responded that the memo he submitted entails quotes from various Civil Service meeting dates during which the Board considered Ms. Nicholson's complaints. He went on to say that he was really asking for clarification on the point of holding Ms. Nicholson's grievance hearing because as he understands it, her initial complaint filed with the Board in September 2009 was that the department failed to conduct an audit [of her position]; however, in November 2009 an audit was conducted and submitted to the Board; therefore, it is the department's position that Ms. Nicholson's grievance request is moot so there should be no need to have a hearing.*

Chairman de la O asked Ms. Nicholson if she agreed that the audit had been done. Ms. Nicholson responded that while she agreed that the audit was conducted she disagreed with the department's findings.

Chairman de la O stated that it would seem that Ms. Nicholson's original request for a hearing was moot and that she now had a different complaint. Ms. Nicholson responded that her complaint has always been that the Customer Service Section has multiple

duties to perform and the pay that she receives to perform those duties is not equally compatible. She went on to say that at the time of her original appearance before the Board, she did not know that she could request an audit and the Board suggested that she do so. Ms. Nicholson further stated that in regards to the audit of her current position which took a little over two years to complete, she noticed that Mr. Martinez (Classification & Pay Supervisor) diligently audited every position within the Customer Service Section which was beyond her request. She stated that after reviewing the documentation that Mr. Martinez submitted of the audit, she did not agree with his finding because the positions in which he selected carried the title of Customer Service and only one task that was performed by individuals holding this classification, whereas the position of Customer Service Representative for the City of Miami covers everything (i.e. water, solid waste, 311 calls, etc.) within City limits. Ms. Nicholson went on to say that if you are going to work the mule, you must feed it.

ACA Min stated that Ms. Nicholson's grievance request which was filed on September 1, 2009 stated that the issue she had was with the Department of Employment Relations' failure to follow through with the issue that was discussed at the June 2, 2009 meeting.

Chairman de la O stated that he recalled when Ms. Nicholson originally came before the Board she complained about disparate rates and the Board did make the recommendation that she have an audit conducted so she came back in September 2009 not having waived her original argument. ACA Min responded that respectfully what the Chairman recalled was partially correct. He went on to say that at the June 2009 meeting the Board denied Ms. Nicholson's request for a hearing and in an attempt to help her resolve the issue, the Board suggested that she request an audit, but the actual relief that she requested was denied.

Chairman de la O stated that he thought the Board denied Ms. Nicholson's request because it was felt that she should first have an audit done. He asked ACA Min if he was saying that the Board denied Ms. Nicholson's request because it did not have jurisdiction. Cynthia A. Everett, Special Counsel to the Board, responded that she believed the Board denied Ms. Nicholson's request without prejudice on the issue of the department's failure to compensate properly since the Board needed that underlying data that might be gained through the audit. She went on to say that the fact that Ms. Nicholson's request was denied without prejudice did not preclude her from making her request to the Board again.

Chairman de la O stated that the question is: "why should the Board not hold a hearing on whether the audit is correct or on the fundamental issue which is whether the position is being fairly compensated or not?". ACA Min responded that he was not saying that the Board could not hold a hearing on Ms. Nicholson's complaint rather he was asking for clarification because based on the two discussions that he reviewed, her request was denied. He went on to say that Ms. Nicholson's second request for a hearing was a separate issue that dealt with the request for an audit and the audit was conducted.

Chairman de la O stated that he thinks it would be fair to make a motion on what the Board is going to hold the hearing on so that it is clear. He went on to say that the hearing would not be based on whether the audit should be conducted because it was already done; therefore the Board's focus would be the underlying issue of pay for the job that Ms. Nicholson and her co-workers are performing and called for a motion.

Prior to the motion, Member Dames asked if there was a rule provided by Ms. Nicholson for which she alleged a rule violation. ACA Min responded that he was about to raise the same concern.

Chairman de la O stated that originally this was a hearing requested by Ms. Nicholson

pursuant to Rule 16.2.

Special Counsel Everett asked if her understanding was correct that Ms. Nicholson was essentially renewing her initial request. Ms. Nicholson responded in the affirmative. She went on to say that the mere fact that all four positions were audited in far less time than it took for the Customer Service Representative III audit to be completed, [in her opinion] this clearly showed there was some form of prejudice, but she did not know if this prejudice was towards the Customer Service Section itself, the supervisor, or staff. Ms. Nicholson further stated that the Customer Service Section originally operated with 9 individuals but has been reduced to three employees and one supervisor who are manning three telephone lines, responding to complaints because they cannot receive messages from the voice mail system, and they are accepting and rerouting calls they receive from 311 (Miami-Dade's Call System). She stated that she would invite any of the Board Members to answer the telephone in her section and they would understand exactly what she is relating to the Board.

ACA Min stated that he would again ask for clarification. He went on to say that according to Ms. Nicholson's May 5, 2009 request for a hearing, she referred to Civil Service Rules 5 and 6.3 (as rule violations). ACA Min further stated that both of these rules deal with examinations, but he did not think there had been any issues dealing with examinations. He stated that Ms. Nicholson also referred to Rule 8, which has a number of subsections so he was not sure which subsections were being referenced as violations by the department.

Chairman de la O asked if there was a rule that indicates a employees must be paid in proportion to the work they are doing. Ms. Nicholson stated that there was no such rule other than Rule 11 that deals with working out of classification. She went on to say that anything outside of this rule, the Board would have to defer to the attorneys since they would have more knowledge on this subject than she would.

Chairman de la O stated that he was not sure that the Board needed to point to a certain violation of the rules because a part of Rule 16.2 says, "Any employee who is aggrieved by reason of what he/she considers a violation of Civil Service rules to his/her detriment, or who has a grievance concerning his/her employment under the Rules..." He went on to say that since Ms. Nicholson is complaining about her employment, the Board can investigate to determine if there is merit and if so, a recommendation can be sent to the City Manager as to how to rectify the complaint.

Special Counsel Everett stated that it appeared that Rule 6.3 when read in a broader sense covers selection procedures and not just examination issues. She went on to say that Rule 6.3 speaks of all selection procedures and one of Ms. Nicholson's issues seemed to be how does one employee end up with certain qualifications versus another position.

ACA Min stated that maybe he was not understanding (Ms. Nicholson's complaint), but he did not think Ms. Nicholson's complaint was a selection issue, rather she was complaining that she was not being fairly compensated for the work she is performing and not that she was selected for the wrong position or someone was selected over her, etc.

Chairman de la O stated that he agreed with ACA Min and asked Ms. Nicholson if that was her complaint as stated by ACA Min. Ms. Nicholson responded in the affirmative.

Chairman de la O stated that the Board could grant Ms. Nicholson's request for a grievance hearing pursuant to Rule 16.2 and the Board could examine her grievance as to the way the individuals in the Customer Service section are being compensated and

make a recommendation to the City Manager accordingly.

Following discussion, the Board entered a motion to grant Ms. Nicholson's request for a grievance hearing pursuant to Rule 16.2 to examine the pay for the Customer Service Representative III position.

Under discussion, Member Scarola stated that he wants Ms. Nicholson to understand that at the end of the day if this Board decides to hold a hearing and finds that she deserves to have a pay increase, the City Manager might not agree with the Board's recommendation especially with today's financial crisis. He went on to say that what he foresees in the future is other employees who feel their salaries are not just and might decide to come before the Board because they feel they deserve more money, so he would caution the Board that it may be opening Pandora's Box. Member Scarola further stated that [he also wants to know] where the Board's authority is to advise the City Manager on any employee's salary? He stated that he thinks there are salaries that are totally outrageous and others that are underrated, but he just wanted to caution the Board because he has a feeling of where this is going.

ACA Min stated he was aware of the pending motion on the floor, but again there is no Civil Service Rule that addresses pay which was a concern to him.

Member Scarola stated that he agreed with the Chairman concerning the phrase included in Rule 16.2 that states that any employee "who has a grievance concerning his/her employment under the rules" can request a hearing; therefore, he thinks the Board can proceed under this rule and it has done so in the past when an employee felt some unjust had been done and there was no specific rule violation.

Chairman de la O stated that he thought Member Scarola was right that the Board does not want to become an entity for redress anytime an employee feels he should be making more money. He went on to say that the one thing he heard on its face that created a prima facie concern in his mind was that the number of employees in the Customer Service Section decreased from 9 to 3 employees and by its very nature that meant that the workload had significantly increased. Chairman de la O further stated that he thought the way to address Member Scarola's valid concern was that he would caution whomever is on the Board at the time Ms. Nicholson's case is heard not to get involved in those issues unless it was something that was objectively unfair that was going on and then the Board could make a recommendation to the City Manager.

Member Scarola stated at the time of the hearing, Ms. Nicholson could present to the Board what she felt were inaccuracies in Mr. Martinez' audit which would relate to how he arrived at the numbers he represented to be fair and just. He went on to say that he did not know how Mr. Martinez came up with his numbers, but he may have had reports that showed employees in other cities who were making more than what Ms. Nicholson is making in terms of pay. Member Scarola further stated that he felt the issue should be whether Mr. Martinez' numbers are accurate and it would be left up to Ms. Nicholson to provide proof as to why the numbers are inaccurate. He stated that once the comparisons were considered, the Board could make a recommendation to the City Manager.

Following discussion the motion on the floor to revise Ms. Nicholson's grievance hearing pursuant to Rule 16.2 to examine the audit results for the Customer Service Representative III position, which resulted as follows:

Motion by Member Dames, seconded by Chief Examiner Scarola, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

F. REPORTS

F.1 Pending Hearings as of February 9, 2010. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

G.1 Copy of a Request for Grievance Hearing from Osnat K. Rind, Attorney, on behalf of Cynthia Bennett, Payroll Aide, pursuant to Rule 16.2, alleging a violation of Civil Service Rule 8.10(b). (DISCUSSION)
Deferred from the meeting of January 26, 2010.

Osnat K. Rind, Attorney at Law on behalf of Cynthia Bennett stated that this is a request for a hearing concerning a violation of Rule 8.10(b). She went on to say that Ms. Bennett has been a permanent employee since February 17, 2007, is classified as a Payroll Aide, and has been performing the duties of a Payroll Assistant for approximately two years. Attorney Rind further stated that it is their allegation that under the Rules, her client is entitled to that classification on a permanent basis and upon completion of an examination if that is what the Rules provide.

Chairman de la O asked ACA Min for his position on this matter. ACA Min responded that the department agreed with the majority of the facts stated by Attorney Rind; however, he believed that the rule had to be read in its entirety. He went on to say that Rule 8.10(b) becomes applicable whenever an occupied position has been allocated to a new or different class and there was no allegation that her Payroll Aide position was allocated to a new or different class, so he did not believe it met the prerequisite of the remaining portion stated in Rule 8.10(b).

Chairman de la O asked ACA Min to explain in laymen's terms basically what that meant. ACA Min responded that whenever a position is audited, for example the Payroll Aide position, it had to be reclassified or reorganized.

Chairman de la O stated that Rule 8.10(b) states, "If the incumbent has been performing satisfactorily at the new or higher level...". He went on to say that based on this language, would this mean that the employee is entitled to receive payment for working out of classification. ACA Min responded that the newer or higher level would be after an audit was conducted and the department had to reorganize. ACA Min further stated that Rule 8.10(b) only becomes applicable after reading the introductory clause of Rule 8.10.

Attorney Rind stated that she has had arbitration cases where a collective bargaining agreement says that if there is a vacant position and someone is placed in that position, that individual would receive an extra pay (5%) for working out of classification. She went on to say that employers have come forward and said there are no vacant positions and arbitrators have essentially said that if employees are performing the duties of a higher level, employers cannot defraud employees out of their pay by saying there was no vacant position and she believes ACA Min was making the same argument.

Chairman de la O asked where was the audit requirement in the Rules because he was

not seeing it. ACA Min responded by reading into the record the introductory paragraph in Rule 8.10 which states, "Method of Qualifying Incumbents of Classified Positions Allocated to New or Higher Levels. Whenever an occupied position has been allocated to a new or different class, the incumbent thereof shall be qualified for the new class in one of the following manners:" He went on to say that a "new or different class" as stated in the rule means that there was a readjustment [of a position] after an audit was conducted, which is the only way a position can be readjusted.

Member Scarola asked for Ms. Bennett's current classification. Attorney Rind responded that Ms. Bennett is classified as a Payroll Aide and she has been performing the duties of a Payroll Assistant. She went on to say that it is their position that Ms. Bennett does not have to wait until an audit is conducted.

Member Scarola asked if the Payroll Assistant position was already a recognized position. Attorney Rind responded in the affirmative. She went on to say that the Payroll Assistant position is two steps higher than the Payroll Aide position and the City had been benefiting from Ms. Bennett's performance of those duties for more than two years.

Special Counsel Everett asked how a position gets audited because she believed that was the threshold issue if required by the rules. ACA Min responded that the City sometimes request an audit by reevaluating the position to determine if it met the guidelines for a new or different classification or an employee can request an audit which was done in Ms. Nicholson's case.

Special Counsel Everett asked if the employee asked for an audit in this case. ACA Min responded that he did not know if an audit was requested by the employee.

Attorney Rind stated that she did not know if it was termed as an audit but her client had been complaining to her supervisors that she had been working out of classification.

Special Counsel Everett asked if a form is filled out or a phone call is made when an audit is requested. ACA Min responded that a request has to be made in writing, such as in Ms. Nicholson's case, she forwarded an e-mail to the department requesting an audit.

Member Scarola stated that for example, if a police sergeant retired and an officer performed the sergeant's duties for a long period of time, he felt it would be a way of trying to circumvent the classified employee's rights if the department decided to [continue working that person out of classification] to fulfill the duties of that position as opposed to advertising the position or establishing an examination to fill the position.

Chairman de la O stated that he still was not agreeing there had to been an audit because the language in Rule 8.10 states that "whenever an occupied position has been allocated to a new or different class." He asked if the Payroll Aide position could be allocated to a Payroll Assistant position. ACA Min responded that the only way this could be done was through an audit. Chairman de la O stated that he believed [ACA Min's] statement was imperatively false because Ms. Bennett is now doing the work. ACA Min responded that Ms. Bennett's position had not been allocated to a new or different classification.

Chairman de la O asked if Ms. Bennett could refuse to perform the duties of a Payroll Assistant without getting fired. ACA Min responded that Ms. Bennett's job description outlines her duties.

Charlie Cox, Union President-AFSCME Local 1906, stated that Ms. Bennett followed the

process of requesting pay for working out of classification, but had not been paid for doing so. He went on to say that the department would not conduct an audit to reclassify her position in this case because the position [at the higher level] is already a created position for which she had been doing the work for two years.

Chairman de la O stated that forcing an audit when none is needed seemed to him to be an unnecessary step and putting a hurdle in front of the employee who had been performing the job.

Member Scarola stated that he could see an audit being conducted if there was a need for two Payroll Assistants and only one position was budgeted, but if the position currently exists and is vacant, he thought it would be unfair for Ms. Bennett to perform the duties of a Payroll Assistant because the work had to be done, but not get compensated.

Chairman de la O asked if the City's real concern is that it does not want to make Ms. Bennett a Payroll Assistant. ACA Min responded that there is a process that has to be followed in order to appoint Ms. Bennett to the higher position since it is a classified position. Chairman de la O stated that was not what Ms. Bennett was asking for rather she was asking for a qualifying examination if there was one. ACA Min responded that unfortunately there is a hiring freeze even though there might be a vacant position for which she might be qualified to do the job.

Member Scarola stated that although there is a hiring freeze, the City Manager can hire individuals into certain positions. ACA Min responded that there are always exceptions to rules.

Following discussion, the Board entered a motion to GRANT Ms. Bennett's request for a hearing which resulted as follows:

Motion by Chief Examiner Scarola, seconded by Member Dames, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

H. TODAY'S HEARINGS

H.1 Hearing of appeal on behalf of Humberto Mijares, Building Inspector III, of his 14-day suspension, effective May 8, 2009.

The Board entered into the scheduled appeal hearing of Humberto Mijares, the Appellant.

Barnaby Min, Assistant City Attorney (ACA), represented the Department.

Osnat K. Rind, Attorney at Law, represented the Appellant.

ACA Min made opening statements. Attorney Rind deferred opening statements but put on the record that she and ACA Min have stipulated that of the various occurrences of accidents that are listed in the charging document dated May 5, 2009, the only matter before the Board would be concerning Mr. Mijares' accident that occurred on March 27, 2009.

Chairman de la O asked ACA Min if that was his position as stated by Attorney Rind.

ACA Min responded in the affirmative.

Chairman de la O called for the department's first witness. All witnesses were sworn in individually. Witnesses for the department appeared in the following order:

1. Humberto Mijares, Building Inspector III, City of Miami, Department of Building.

Questions were posed by Board Members Scarola and Dames during the testimony of witness Mijares.

2. Tamekeal L. Sharpe, Public Service Aide, City of Miami, Department of Police.

The Department rested its case.

The Appellant's attorney waived opening statements. Witnesses for the Appellant appeared in the following order:

Charles Cox, Union President, AFSCME-Local 1907.

The Appellant rested his case and the Board moved to closing arguments by the attorneys.

Following final argument, Chairman de la O stated that the way he took PSA Sharpe's decision to ticket Mr. Mijares was that she really had to apportion fault in a sense between the two drivers, because she could not give the ticket to the car. He went on to say that it was his thought that PSA Sharpe's rationalization of the accident was that it was not the fault of the driver in the left lane so it had to Mr. Mijares' fault. Chairman de la O further stated that he does not think any of the Board Members would doubt there was something (mechanically) wrong with Mr. Mijares' vehicle especially since there was plenty of evidence presented before the accident occurred. He stated that the Board had to decide whether Mr. Mijares acted negligently and his guess is the car was not as far back as Mr. Mijares recalled and most likely what happened was Mr. Mijares started to change lanes, noticed the vehicle coming, he tried to rectify getting out of the lane, the car stalled, and he could not fix his (car) problem. Chairman de la O went on to say that he did not know if that made him negligent because that could happen to anyone so on the preponderance of the evidence, he did not think the Board could say that Mr. Mijares was at fault for the accident but more so the car's fault and the Board could apportion fault to the car.

Member Dames stated that Mr. Mijares complained to his superiors about the car (problems) and in his opinion, what was scary about the entire incident is he was concerned about Mr. Mijares' life [being in jeopardy] while operating that vehicle. He went on to say that Mr. Mijares indicated in his memo that he did not feel safe driving the vehicle, but [his superiors] did not listen to him.

Following discussion, the Board entered a motion to find Mr. Mijares NOT GUILTY of all of the following charges cited in the reprimand:

Civil Service Rule 14.2(e)(3) - Has violated any lawful and reasonable official regulation or order . . . or reasonably might be expected to result in loss or injury to the City or to the public or to the prisoners or wards of the City.

Civil Service Rule 14.2(l) - Is careless or negligent of the property of the City of Miami.

The motion resulted as follows:

Motion by Member Dames, seconded by Chairperson de la O, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

H.2

Hearing of appeal on behalf of Marc Marcelin, Police Officer, relative to his 20-hour suspension, effective May 16, 2009.

Attorney Rind stated that she would ask that her client's case be continued.

Chairman de la O asked ACA Min if he had an objection to the employee's request. ACA Min responded in the negative.

Following discussion, the Board entered a motion to grant the employee's request for a CONTINUANCE which resulted as follows:

Motion by Chief Examiner Scarola, seconded by Member Dames, that this matter be CONTINUED. PASSED by the following vote.

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

H.3

Hearing of appeal on behalf of Greicy Lovin, Crime Prevention Specialist, relative to her 8-hour suspension, effective August 17, 2009.

The Board entered into the scheduled hearing of appeal on behalf of Greicy Lovin, the Appellant.

Barnaby Min, Assistant City Attorney, represented the Department.

Osnat K. Rind, Attorney at Law, represented the Appellant.

ACA Min made opening statements and Attorney Rind deferred opening statements.

The Chairman called for the Department's first witness. All witnesses were sworn in individually. Witnesses for the Department appeared in the following order:

Tracy Martin, Police Sergeant, City of Miami, Department of Police.

Questions were posed by Members Scarola and Dames during the testimony of witness Martin.

The Department rested its case and Attorney Rind presented opening statements followed by the calling of her witnesses.

Witnesses for the Appellant appeared in the following order:

Greicy Lovin, Crime Prevention Specialist, City of Miami, Department of Police, testified on her own behalf.

Questions were posed by Member Dames during the testimony of witness Lovin.

The Appellant rested her case.

Sgt. Tracy Martin was recalled as a rebuttal witness on behalf the department.

Questions were posed by Member Dames during the testimony of witness Martin.

The Department rested on rebuttal and the Appellant waived rebuttal. The Board proceeded to closing arguments.

Following final argument by the attorneys, Chairman de la O stated that his reading of the definition in the police department's orders indicated to him that there clearly was a demarcation concerning members and civilian employees in the police department. He went on to say that ACA Min tried to make the argument that the only definition for members of the department also pertained to civilian employees in the police department, but as he read in one section of the departmental orders the use of "member" seemed to be a short hand for a member of the department and the best example was found at Departmental Order 11.5.3.6 under Superior Officers where it states, "Members and civilian employees . . ." Chairman de la O further stated that it appeared the department was using the term, members, as a short hand for sworn members of the department, unless the department could show in the departmental orders where civilians are also referred to as "Members of the Department". He stated that he was not sure how anyone could take the term, member, to mean anything other than short hand for Members of the Department; therefore, the requirement for sick leave only applied to members of the department who are sworn personnel and Ms. Lovin is not a police officer. Chairman de la O went on to say that he could see a policy reason for this order only applying to sworn officers which is that police officers are a part of the public safety fabric of the City of Miami and maybe the police department decided that it was going to have more restrictions on an officer's use of sick time, although he did not know if this was the case; but he did know however, that the departmental orders as he read them applied to members of the department who are police officers. He further stated that the issue now is whether the Appellant's use of the word "And" was disrespectful and he cannot say that the department met its burden by a preponderance of the evidence. Chairman de la O stated that maybe [the Appellant's use of the word "And" was disrespectful] was in the ear of the listener, but he was not prepared to say that it was based upon the evidence.

Member Dames stated that he agreed with the Chairman's understanding that the term "member" applied to sworn personnel in the police department and Ms. Lovin is a civilian employee.

Following discussion, the Board entered a motion to find the Appellant NOT GUILTY of all of the charges as cited in the charging document:

- Departmental Order 6.1.4.19.5 - Confinement during sick leave
- Departmental Order 6.4.19.5.2 - Employee Contact Supervisor
- Departmental Order 11.6.32.3 - Respect for Superior
- Civil Service Rule 14.2(e) 2 - Breach of Proper Discipline
- Civil Service Rule 14.2(k) - Incompetent/Negligent

The vote resulted as follows:

Motion by Member Dames, seconded by Chairperson de la O, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

ADJOURNMENT:

The Chairman called for a motion to ADJOURN which resulted as follows:

**Motion by Chief Examiner Scarola, seconded by Member Dames, to APPROVE.
PASSED by the following vote.**

Aye: Chairperson de la O, Dames and Scarola

Vacant: **Vacancy and **Vacancy

**The meeting adjourned at 1:03 p.m. Breaks were taken at 10:46-11:02 a.m. and
11:48-12:14 p.m.**

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary