

1 **Workers' Compensation Board Meeting Minutes**

2
3 Date: Tuesday; July 21, 2020
4 Location: 328 State Street; Schenectady, NY
5 WebEx/Live Broadcast
6 Time: 10:00 a.m.

7 **MEMBERS OF THE BOARD**

8 Clarissa M. Rodriguez, Chair
9 Freida Foster, Vice Chair
10 Ellen O. Paprocki
11 Mark Higgins
12 Loren Lobban, Esq.
13 Samuel G. Williams
14 Linda Hull
15 Fredrick M. Ausili, Esq.
16 Steven A. Crain, Esq.
17 Mark R. Stasko
18 Arelis Tavares
19 Martin M. Dilan
20 Pamela Caggianelli

21 **SECRETARY TO THE BOARD**

22 Kim McCarroll

23 **GENERAL COUNSEL**

24 David Wertheim, Esq.

25 **SPECIAL COUNSEL**

26 Elizabeth Lott, Esq.

27 **ALSO PRESENT**

28 Joseph Cavalcante - Advocate for Injured Workers
29 Patrick Cremo - Supervising Attorney and Records
30 Access Officer
31 Michael Gifford - Media Specialist
32 Melissa Stewart - Public Information Officer
33 Mary Beth Woods - Executive Director

1 CLARISSA RODRIGUEZ: Good morning, everyone.
2 Thank you for coming, for joining us today. I'm
3 Clarissa Rodriguez, Chair of the New York State
4 Workers' Compensation Board. As in the last couple of
5 months due to the novel coronavirus pandemic and State
6 guidelines regarding social distancing, today's Board
7 meeting is conducted remotely from various locations
8 throughout New York State. This meeting is also being
9 webcast live for members of the public.

10 Board members, please be reminded that there is a
11 slight pause in audio, so please allow for that.
12 Also, please state your full name each time you speak
13 so that you can be properly recorded by the verbatim
14 reporter.

15 I now call the 990th meeting of the Board to
16 order. Madame Secretary, will you please call
17 attendance? Kim, you're muted.

18 KIM MCCARROLL: Vice Chair Foster.

19 MS. FOSTER: Here.

20 KIM MCCARROLL: Board Member Paprocki.

21 MS. PAPROCKI: Here.

22 KIM MCCARROLL: Board Member Higgins.

23 MR. HIGGINS: Here.

24 KIM MCCARROLL: Board Member Lobban.

1 MR. LOBBAN: Here.

2 KIM McCARROLL: Board Member Williams.

3 MR. WILLIAMS: Here.

4 KIM McCARROLL: Board Member Hull.

5 MS. HULL: Here.

6 KIM McCARROLL: Board Member Ausili.

7 MR. AUSILI: Here.

8 KIM McCARROLL: Board Member Crain.

9 MR. CRAIN: Here.

10 KIM McCARROLL: Board Member Stasko.

11 MR. STASKO: Here.

12 KIM McCARROLL: Board Member Tavares.

13 MS. TAVARES: Here.

14 KIM McCARROLL: Board Member Caggianelli.

15 MS. CAGGIANELLI: Here.

16 KIM McCARROLL: And Board Member Dilan.

17 MR. DILAN: Here.

18 KIM McCARROLL: Chair, all members are

19 present. We will have 13 voting -- voting members

20 today. Also in our audience today we have Verbatim

21 Reporter Karen Hayes, our media specialist

22 Michael Gifford, Public Information Officer

23 Melissa Stewart, Special Counsel Elizabeth Lott,

24 Advocate for Injured Worker, Joseph Cavalcante. Looks

1 like Executive Director Mary Beth Woods, and Associate
2 Counsel Patrick Cremo. I think that concludes our
3 attendance.

4 CLARISSA RODRIGUEZ: Okay. Thank you very
5 much, Madame Secretary. First item on the agenda,
6 approval of the June 16, 2020 meeting minutes. You
7 have all received a copy of the meeting minutes for
8 your review. Are there any questions or need for
9 discussion? Okay. Hearing none, may I please have a
10 motion to approve the meeting minutes?

11 MR. HIGGINS: Yes, Madame Chair. Board
12 Member Higgins. I move to approve the minutes of the
13 meeting.

14 CLARISSA RODRIGUEZ: Okay. Thank you so
15 much. Is there a second?

16 MR. STASKO: Yes, Madame Chair. This is
17 Board Member Stasko. I second that motion.

18 CLARISSA RODRIGUEZ: Okay. Thank you so
19 much. Is there any opposition to the motion? Hearing
20 none, Madame Secretary, may I please have a roll call
21 vote?

22 KIM McCARROLL: Board Member Ausili.

23 MR. AUSILI: Aye.

24 KIM McCARROLL: Board Member Caggianelli.

1 MS. CAGGIANELLI: Aye.
2 KIM McCARROLL: Board Member Crain.
3 MR. CRAIN: Aye.
4 KIM McCARROLL: Board Member Dilan.
5 MR. DILAN: Aye.
6 KIM McCARROLL: Board Member Higgins.
7 MR. HIGGINS: Aye.
8 KIM McCARROLL: Board Member Hull.
9 MS. HULL: Aye.
10 KIM McCARROLL: Board Member Lobban.
11 MR. LOBBAN: Aye.
12 KIM McCARROLL: Board Member Paprocki.
13 MS. PAPROCKI: Aye.
14 KIM McCARROLL: Board Member Stasko.
15 MR. STASKO: Aye.
16 KIM McCARROLL: Board Member Tavares.
17 MS. TAVARES: Aye.
18 KIM McCARROLL: Board Member Williams.
19 MR. WILLIAMS: Aye.
20 KIM McCARROLL: Vice Chair Foster.
21 MS. FOSTER: Aye.
22 KIM McCARROLL: Chair Rodriguez.
23 CLARISSA RODRIGUEZ: Aye.
24 KIM McCARROLL: It's unanimous.

1 CLARISSA RODRIGUEZ: Okay. Thank you so
2 much, Madame Secretary. Agenda Item 2, Office of
3 General Counsel Departmental Report. General Counsel
4 David Wertheim will now present the statistical and
5 informational report for June.

6 MR. WERTHEIM: Thank you. Good morning,
7 Madame Chair, Vice Chair, Board members, and
8 colleagues as well. Here's the report for June 2020
9 in terms of adjudicated issues at the Board. First in
10 Adjudication, there were 16,924 hearings; 11,381 cases
11 fully resolved at the hearing, 348 reserved decisions
12 issued. There were 2,074 waiver agreements approved,
13 1,911 through the hearing process, 163 via desk.

14 In Administrative Review, 939 applications for
15 Administrative Review received, 1,054 processed,
16 leaving end of June inventory at 2,576 with 96 percent
17 of all applications completed and processed within six
18 months. Full Board review, 163 applications received,
19 131 were processed, leaving an end of June inventory
20 of 196.

21 That concludes the statistical and informational
22 report. Of course I will take any questions. Thank
23 you.

24 CLARISSA RODRIGUEZ: Okay. Thank you,

1 David. Are there any questions or need for
2 discussion? Okay. Hearing none, may I have a motion
3 to accept the report?

4 MR. HIGGINS: Yes, Madame Chair. Board
5 Member Higgins. I move to accept the report of the
6 General Counsel.

7 CLARISSA RODRIGUEZ: Thank you. Is there a
8 second?

9 MR. STASKO: Yes, Madame Chair. This is
10 Board Member Stasko. I second that motion.

11 CLARISSA RODRIGUEZ: Okay. Thank you so
12 much. Is there any opposition to the motion? Hearing
13 none, Madame Secretary, may I please have a roll call
14 vote?

15 KIM McCARROLL: Board Member Ausili.

16 MR. AUSILI: Aye.

17 KIM McCARROLL: Board Member Caggianelli.

18 MS. CAGGIANELLI: Aye.

19 KIM McCARROLL: Board Member Crain.

20 MR. CRAIN: Aye.

21 KIM McCARROLL: Board Member Dilan.

22 MR. DILAN: Aye.

23 KIM McCARROLL: Board Member Higgins.

24 MR. HIGGINS: Aye.

1 KIM McCARROLL: Board Member Hull.
2 MS. HULL: Aye.
3 KIM McCARROLL: Board Member Lobban.
4 MR. LOBBAN: Aye.
5 KIM McCARROLL: Board Member Paprocki.
6 MS. PAPROCKI: Aye.
7 KIM McCARROLL: Board Member Stasko.
8 MR. STASKO: Aye.
9 KIM McCARROLL: Board Member Tavares.
10 MS. TAVARES: Aye.
11 KIM McCARROLL: Board Member Williams.
12 MR. WILLIAMS: Aye.
13 KIM McCARROLL: Vice Chair Foster.
14 MS. FOSTER: Aye.
15 KIM McCARROLL: And, Chair Rodriguez.
16 CLARISSA RODRIGUEZ: Aye.
17 KIM McCARROLL: That motion passes
18 unanimous.
19 CLARISSA RODRIGUEZ: Okay. Thank you so
20 much, Madame Secretary. Agenda Item 3, licensing
21 applications. Elizabeth Lott of the Office of General
22 Counsel will now present any licensing applications.
23 MS. LOTT: Hello. Good morning. This is
24 Elizabeth Lott. You have before you the

1 recommendations from the assigned Board Panel
2 regarding the licensing applications listed in Part 3
3 of today's agenda. Section 24-a, Judith Ramos Meier,
4 three-year renewal. Teresa Baerga, three-year
5 renewal. Section 50(3-b), FutureComp, three-year
6 renewal. Section 50(3-d), York Risk Services Group,
7 Inc., three-year renewal. Johnson & Associates, the
8 Panel recommends not approving the application. I
9 present -- I present these recommendations to the Board
10 for your consideration.

11 CLARISSA RODRIGUEZ: Okay. Thank you so
12 much. Are there any questions or need for discussion?
13 Okay. Hearing none, may I have a motion to accept the
14 recommendations of the panel?

15 MR. HIGGINS: Yes, Madame Chair. Board
16 Member Higgins. I move to accept the recommendations
17 of the licensing panel.

18 CLARISSA RODRIGUEZ: Thank you. Is there a
19 second?

20 MR. STASKO: Yes, Madame Chair. This is
21 Board Member Stasko. I second that motion.

22 CLARISSA RODRIGUEZ: Okay. Thank you. Is
23 there any opposition to the motion? Okay. Hearing
24 none, I call upon the secretary for a roll call vote.

1 KIM McCARROLL: Board member Ausili.
2 MR. AUSILI: Aye.
3 KIM McCARROLL: Board Member Caggianelli.
4 MS. CAGGIANELLI: Aye.
5 KIM McCARROLL: Board Member Crain.
6 MR. CRAIN: Aye.
7 KIM McCARROLL: Board Member Dilan.
8 MR. DILAN: Aye.
9 KIM McCARROLL: Board Member Higgins.
10 MR. HIGGINS: Aye.
11 KIM McCARROLL: Board Member Hull.
12 MS. HULL: Aye.
13 KIM McCARROLL: Board Member Lobban.
14 MR. LOBBAN: Aye.
15 KIM McCARROLL: Board Member Paprocki.
16 MS. PAPROCKI: Aye.
17 KIM McCARROLL: Board Member Stasko.
18 MR. STASKO: Aye.
19 KIM McCARROLL: Board Member Tavares.
20 MS. TAVARES: Aye.
21 KIM McCARROLL: Board Member Williams.
22 MR. WILLIAMS: Aye.
23 KIM McCARROLL: Vice Chair Foster.
24 MS. FOSTER: Aye.

1 KIM MCCARROLL: Chair Rodriguez.

2 CLARISSA RODRIGUEZ: Aye.

3 KIM MCCARROLL: That motion passes
4 unanimous.

5 CLARISSA RODRIGUEZ: Okay. Thank you so
6 much. Agenda Item 4, legal appeals. General Counsel
7 David Wertheim will now present the recommendations
8 concerning decisions by the Appellate Division.

9 MR. WERTHEIM: Thank you again, Madame
10 Chair. From the time of the last Board meeting until
11 today, there were ten decisions issued by the
12 Appellate Division, Third Department with respect to
13 Workers' Compensation claims. There were five
14 affirmances, two reversals, two modifications. And I
15 will also note at Item 4J, a remand in the case of
16 O'Donnell versus Erie County following a Court of
17 Appeals decision and a direction for the Third
18 Department to remand back to the Workers' Compensation
19 Board.

20 It is the recommendation of General Counsel that
21 all of the decisions of the Court be adopted as the
22 decisions of the Board.

23 CLARISSA RODRIGUEZ: Okay. Thank you. May
24 I have a motion to accept the recommendations of the

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Office of General Counsel?

MR. HIGGINS: Yes, Madame Chair. Board Member Higgins. I move to accept the recommendations of the Office of General Counsel.

CLARISSA RODRIGUEZ: Okay. Thank you. May I have a second?

MR. STASKO: Madame Chair, this is Board Member Stasko. I second that motion.

CLARISSA RODRIGUEZ: Okay. Thank you very much. Is there any opposition to the motion? Okay. Hearing no opposition, I call upon the secretary for a roll call vote.

KIM McCARROLL: Board Member Ausili.

MR. AUSILI: Aye.

KIM McCARROLL: Board Member Caggianelli.

MS. CAGGIANELLI: Aye.

KIM McCARROLL: Board Member Crain.

MR. CRAIN: Aye.

KIM McCARROLL: Board Member Dilan.

MR. DILAN: Aye.

KIM McCARROLL: Board Member Higgins.

MR. HIGGINS: Aye.

KIM McCARROLL: Board Member Hull.

MS. HULL: Aye.

1 KIM McCARROLL: Board Member Lobban.
2 MR. LOBBAN: Aye.
3 KIM McCARROLL: Board Member Paprocki.
4 MS. PAPROCKI: Aye.
5 KIM McCARROLL: Board Member Stasko.
6 MR. STASKO: Aye.
7 KIM McCARROLL: Board Member Tavares.
8 MS. TAVARES: Aye.
9 KIM McCARROLL: Board Member Williams.
10 MR. WILLIAMS: Aye.
11 KIM McCARROLL: Vice Chair Foster.
12 MS. FOSTER: Aye.
13 KIM McCARROLL: Chair Rodriguez.
14 CLARISSA RODRIGUEZ: Aye.
15 KIM McCARROLL: That motion is passed
16 unanimous.
17 CLARISSA RODRIGUEZ: Okay. Thank you,
18 Madame Secretary. Agenda Item 5, Mandatory Full Board
19 Review. 5A, New York City Transit Authority, Case
20 Number G2368349. Is there a motion with respect to 5A
21 on the agenda?
22 MS. PAPROCKI: Yes, Madame Chair. This is
23 Board Member Paprocki, and I would move that the
24 majority opinion be adopted as the opinion of the Full

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Board.

CLARISSA RODRIGUEZ: Okay. Thank you. Is there a second?

MS. CAGGIANELLI: Yes, Madame Chair. This is Board Member Caggianelli, and I second that motion.

CLARISSA RODRIGUEZ: Okay. Are there any recusals in this matter? Is there any opposition to the motion?

MR. CRAIN: Yes, Madame Chair. This is Board Member Crain. I oppose the motion.

CLARISSA RODRIGUEZ: Thank you. Madame Secretary, may I please have a roll call vote?

KIM MCCARROLL: Board Member Ausili.

MR. AUSILI: Yes.

KIM MCCARROLL: Board Member Caggianelli.

MS. CAGGIANELLI: Yes.

KIM MCCARROLL: Board Member Crain.

MR. CRAIN: No.

KIM MCCARROLL: Board Member Dilan.

MR. DILAN: No.

KIM MCCARROLL: Board Member Higgins. Board Member Higgins.

CLARISSA RODRIGUEZ: Board Member Higgins, it looks --

1 MR. HIGGINS: No.

2 CLARISSA RODRIGUEZ: There we are.

3 KIM MCCARROLL: No. All right. Board
4 Member Hull.

5 MS. HULL: Yes.

6 KIM MCCARROLL: Board Member Lobban.

7 MR. LOBBAN: Yes.

8 KIM MCCARROLL: Board Member Paprocki.

9 MS. PAPROCKI: Yes.

10 KIM MCCARROLL: Board Member Stasko.

11 MR. STASKO: Yes.

12 KIM MCCARROLL: Board Member Tavares.

13 MS. TAVARES: No.

14 KIM MCCARROLL: Board Member Williams.

15 MR. WILLIAMS: No.

16 KIM MCCARROLL: Vice Chair Foster.

17 MS. FOSTER: Yes.

18 KIM MCCARROLL: Chair Rodriguez.

19 CLARISSA RODRIGUEZ: Yes.

20 KIM MCCARROLL: That motion is carried
21 eight, five.

22 CLARISSA RODRIGUEZ: Okay. Thank you,
23 Madame Secretary. 5B, AMB [sic] Industries,
24 Incorporated, Case Number G1959322. Is there a motion

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with respect to 5B on the agenda?

MR. HIGGINS: Yes, Madame Chair. Board Member Higgins. I move that the opinion of the majority be adopted as the opinion of the Full Board.

CLARISSA RODRIGUEZ: Thank you. Is there a second?

MR. WILLIAMS: Madame Chair, Board Member -- Board Member Williams. I second that motion.

CLARISSA RODRIGUEZ: Okay. Thank you, Board Member Williams. Are there any -- are there any recusals? Okay. Is there any opposition to the motion?

MR. AUSILI: Yes, Madame Chair. This is Board Member Ausili. I oppose the motion.

CLARISSA RODRIGUEZ: Thank you, Board Member Ausili. Madame Secretary, may I please have a roll call vote?

KIM MCCARROLL: Board Member Ausili.

MR. AUSILI: No.

KIM MCCARROLL: Board Member Caggianelli.

MS. CAGGIANELLI: No.

KIM MCCARROLL: Board Member Crain.

MR. CRAIN: Yes.

KIM MCCARROLL: Board Member Dilan.

1 MR. DILAN: Yes.

2 KIM McCARROLL: Board Member Higgins.

3 MR. HIGGINS: Yes.

4 KIM McCARROLL: Board Member Hull.

5 MS. HULL: Yes.

6 KIM McCARROLL: Board Member Lobban.

7 MR. LOBBAN: Yes.

8 KIM McCARROLL: Board Member Paprocki.

9 MS. PAPROCKI: Yes.

10 KIM McCARROLL: Board Member Stasko.

11 MR. STASKO: No.

12 KIM McCARROLL: Board Member Tavares.

13 MS. TAVARES: Yes.

14 KIM McCARROLL: Board Member Williams.

15 MR. WILLIAMS: Yes.

16 KIM McCARROLL: Vice Chair Foster.

17 MS. FOSTER: Yes.

18 KIM McCARROLL: Chair Rodriguez.

19 CLARISSA RODRIGUEZ: Yes.

20 KIM McCARROLL: That motion is passed ten,
21 three.

22 CLARISSA RODRIGUEZ: Okay. Thank you,
23 Madame Secretary. 5C, Home Health Management, Case
24 Number G0208288 and G0208297. Is there a motion with

1 respect to 5C on the agenda?

2 MS. TAVARES: Yes, Madame Chair. This is
3 Board Member Arelis Tavares. I move that the Board
4 Panel decision be adopted as the decision of the Full
5 Board.

6 CLARISSA RODRIGUEZ: Okay. Thank you. Is
7 there a second?

8 MS. CAGGIANELLI: Yes, Madame Chair. This
9 is Board Member Caggianelli. I move -- I second that
10 motion.

11 CLARISSA RODRIGUEZ: Okay. Thank you. Are
12 there any recusals from this matter? Is there any
13 opposition to the motion? Okay. Madame Secretary,
14 may I please have a roll call vote?

15 KIM MCCARROLL: Board Member Ausili.

16 MR. AUSILI: Yes.

17 KIM MCCARROLL: Board Member Caggianelli.

18 MS. CAGGIANELLI: Yes.

19 KIM MCCARROLL: Board Member Crain.

20 MR. CRAIN: Aye.

21 KIM MCCARROLL: Board Member Dilan.

22 MR. DILAN: Aye.

23 KIM MCCARROLL: Board Member Higgins.

24 MR. HIGGINS: Aye.

1 KIM McCARROLL: Board Member Hull.
2 MS. HULL: Yes.
3 KIM McCARROLL: Board Member Lobban.
4 MR. LOBBAN: Yes.
5 KIM McCARROLL: Board Member Paprocki.
6 MS. PAPROCKI: Yes.
7 KIM McCARROLL: Board Member Stasko.
8 MR. STASKO: Yes.
9 KIM McCARROLL: Board Member Tavares.
10 MS. TAVARES: Yes.
11 KIM McCARROLL: Board Member Williams.
12 MR. WILLIAMS: Yes.
13 KIM McCARROLL: Vice Chair Foster.
14 MS. FOSTER: Yes.
15 KIM McCARROLL: Chair Rodriguez.
16 CLARISSA RODRIGUEZ: Yes.
17 KIM McCARROLL: That motion is passed
18 unanimately.
19 CLARISSA RODRIGUEZ: Okay. Thank you. 5D,
20 Right at Home, Case Number G1077851. Is there a
21 motion with respect to 5D on the agenda?
22 MS. TAVARES: Yes, Madame Chair. This is
23 Board Member Arelis Tavares. I move that the Board
24 Panel decision be adopted as the decision of the Full

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Board.

CLARISSA RODRIGUEZ: Okay. Thank you. Is there a second?

MS. CAGGIANELLI: Yes, Madame Chair. This is Board Member Caggianelli. I move to second that motion.

CLARISSA RODRIGUEZ: Thank you. Are there any recusals in this matter? Is there any opposition to the motion? Hearing none, I call upon the secretary for a roll call vote.

KIM MCCARROLL: Board Member Ausili.

MR. AUSILI: Yes.

KIM MCCARROLL: Board Member Caggianelli.

MS. CAGGIANELLI: Yes.

KIM MCCARROLL: Board Member Crain.

MR. CRAIN: Aye.

KIM MCCARROLL: Board Member Dilan.

MR. DILAN: Aye.

KIM MCCARROLL: Board Member Higgins.

MR. HIGGINS: Aye.

KIM MCCARROLL: Board Member Hull.

MS. HULL: Yes.

KIM MCCARROLL: Board Member Lobban.

MR. LOBBAN: Yes.

1 KIM McCARROLL: Board Member Paprocki.
2 MS. PAPROCKI: Yes.
3 KIM McCARROLL: Board Member Stasko.
4 MR. STASKO: Yes.
5 KIM McCARROLL: Board Member Tavares.
6 MS. TAVARES: Yes.
7 KIM McCARROLL: Board Member Williams.
8 MR. WILLIAMS: Yes.
9 KIM McCARROLL: Vice Chair Foster.
10 MS. FOSTER: Yes.
11 KIM McCARROLL: Chair Rodriguez.
12 CLARISSA RODRIGUEZ: Yes.
13 KIM McCARROLL: That motion is also passed
14 unanimately.
15 CLARISSA RODRIGUEZ: Okay. Thank you. 5E,
16 FOJP Service Corporation, Case Number G2396697. Is
17 there a motion with respect to 5E on the agenda?
18 MR. CRAIN: Yes, Madame Chair. This is
19 Board Member Crain. I move that the majority opinion
20 be adopted as the opinion of the Full Board.
21 CLARISSA RODRIGUEZ: Thank you. Is there a
22 second?
23 MS. TAVARES: Yes, Madame Chair. This is
24 Board Member Arelis Tavares. I second that motion.

1 CLARISSA RODRIGUEZ: Okay. Thank you. Are
2 there any recusals? Okay. Hearing none, is there any
3 opposition to the motion?
4 MR. STASKO: Yes, Madame Chair. This is
5 Board Member Stasko.
6 CLARISSA RODRIGUEZ: And you -- and you
7 oppose the motion? Thank you.
8 MR. STASKO: Yes. Correct.
9 CLARISSA RODRIGUEZ: I call upon the
10 secretary for a roll call vote.
11 KIM MCCARROLL: Board Member Ausili.
12 MR. AUSILI: No.
13 KIM MCCARROLL: Board Member Caggianelli.
14 MS. CAGGIANELLI: No.
15 KIM MCCARROLL: Board Member Crain.
16 MR. CRAIN: Aye.
17 KIM MCCARROLL: Board Member Dilan.
18 MR. DILAN: Aye.
19 KIM MCCARROLL: Board Member Higgins.
20 MR. HIGGINS: Aye.
21 KIM MCCARROLL: Board Member Hull.
22 MS. HULL: No.
23 KIM MCCARROLL: Board Member Lobban.
24 MR. LOBBAN: Yes.

1 KIM McCARROLL: Board Member Paprocki.
2 MS. PAPROCKI: No.
3 KIM McCARROLL: Board Member Stasko.
4 MR. STASKO: No.
5 KIM McCARROLL: Board Member Tavares.
6 MS. TAVARES: Yes.
7 KIM McCARROLL: Board Member Williams.
8 MR. WILLIAMS: Yes.
9 KIM McCARROLL: Vice Chair Foster.
10 MS. FOSTER: Yes.
11 KIM McCARROLL: Chair Rodriguez.
12 CLARISSA RODRIGUEZ: Yes.
13 KIM McCARROLL: That motion is passed eight,
14 five.
15 CLARISSA RODRIGUEZ: Okay. Thank you. 5F,
16 Robert -- Robert Macvie, Inc., Case Number G2036125.
17 Is there a motion with respect to 5F on the agenda?
18 MR. STASKO: Yes, Madame Chair. This is
19 Board Member Stasko. I move that neither the majority
20 opinion nor the dissent opinion be adopted and that a
21 new decision be issued.
22 CLARISSA RODRIGUEZ: Thank you. Is there a
23 second?
24 MS. CAGGIANELLI: Yes, Madame Chair. This

1 is Board Member Caggianelli, and I second that motion.
2 CLARISSA RODRIGUEZ: Okay. Thank you. Are
3 there any recusals in this matter? Okay. Hearing
4 none, is there any opposition to the motion? Okay.
5 Hearing none, Madame Secretary, may I please have a
6 roll call vote?
7 KIM MCCARROLL: Yes. Board Member Ausili.
8 MR. AUSILI: Yes.
9 KIM MCCARROLL: Board Member Caggianelli.
10 MS. CAGGIANELLI: Yes.
11 KIM MCCARROLL: Board Member Crain.
12 MR. CRAIN: Aye.
13 KIM MCCARROLL: Board Member Dilan.
14 MR. DILAN: Aye.
15 KIM MCCARROLL: Board Member Higgins.
16 MR. HIGGINS: Aye.
17 KIM MCCARROLL: Board Member Hull.
18 MS. HULL: Yes.
19 KIM MCCARROLL: Board Member Lobban.
20 MR. LOBBAN: Yes.
21 KIM MCCARROLL: Board Member Paprocki.
22 MS. PAPROCKI: Yes.
23 KIM MCCARROLL: Board Member Stasko.
24 MR. STASKO: Yes.

1 KIM McCARROLL: Board Member Tavares.
2 MS. TAVARES: Yes.
3 KIM McCARROLL: Board Member Williams.
4 MR. WILLIAMS: Yes.
5 KIM McCARROLL: Vice Chair Foster.
6 MS. FOSTER: Yes.
7 KIM McCARROLL: Chair Rodriguez.
8 CLARISSA RODRIGUEZ: Yes.
9 KIM McCARROLL: That motion passes
10 unanimately.
11 CLARISSA RODRIGUEZ: Okay. Thank you.
12 Agenda Item 6, Discretionary Full Board Review. I now
13 turn this portion of the agenda over to Vice Chair
14 Foster.
15 MS. FOSTER: Thank you, Madame Chair. For
16 the cases listed in Item 6 on the agenda, it is
17 recommended that Full Board Review be granted. Those
18 Cases are 6A, Rheodyne, LLC; 6B, Ogden Allied; 6C,
19 New York State Department of Mental Hygiene; and 6D,
20 Lehman College. I move to refer the cases back to
21 their respective Panels for further consideration.
22 CLARISSA RODRIGUEZ: Okay. Thank you. Is
23 there a second?
24 MR. STASKO: Yes, Madame Chair. This is

1 Board Member Stasko. I second the motion.

2 CLARISSA RODRIGUEZ: Okay. Thank you. Are
3 there any recusals in this matter? Okay. Hearing
4 none, is there any opposition to the motion? All
5 right. Hearing none, Madame Secretary, may I please
6 have a roll call vote?

7 KIM MCCARROLL: Board Member Ausili.

8 MR. AUSILI: Yes.

9 KIM MCCARROLL: Board Member Caggianelli.

10 MR. CAGGIANELLI: Yes.

11 KIM MCCARROLL: Board Member Crain.

12 MR. CRAIN: Aye.

13 KIM MCCARROLL: Board Member Dilan.

14 MR. DILAN: Aye.

15 KIM MCCARROLL: Board Member Higgins.

16 MR. HIGGINS: Aye.

17 KIM MCCARROLL: Board Member Hull.

18 MS. HULL: Yes.

19 KIM MCCARROLL: Board Member Lobban.

20 MR. LOBBAN: Yes.

21 KIM MCCARROLL: Board Member Paprocki.

22 MS. PAPROCKI: Yes.

23 KIM MCCARROLL: Board Member Stasko.

24 MR. STASKO: Yes.

1 KIM McCARROLL: Board Member Tavares.
2 MS. TAVARES: Yes.
3 KIM McCARROLL: Board Member Williams.
4 MR. WILLIAMS: Yes.
5 KIM McCARROLL: Vice Chair Foster.
6 MS. FOSTER: Yes.
7 KIM McCARROLL: Chair Rodriguez.
8 CLARISSA RODRIGUEZ: Yes.
9 KIM McCARROLL: That motion is passed
10 unanimately.
11 CLARISSA RODRIGUEZ: Okay. Thank you.
12 Agenda Item 7, is there any other business? Okay.
13 Hearing none, may I please have a motion to adjourn
14 the meeting.
15 MR. HIGGINS: Yes, Madame Chair. Board
16 Member Higgins. I move that we adjourn the meeting.
17 CLARISSA RODRIGUEZ: Okay. Is there a
18 second?
19 MS. FOSTER: Second, this is Vice Chair
20 Foster.
21 CLARISSA RODRIGUEZ: Okay. Thank you very
22 much. Is there any opposition to the motion? Okay.
23 Hearing none, all in favor say, aye, please.
24 ALL: Aye.

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CLARISSA RODRIGUEZ: Okay. That sounds about right. Everyone have a wonderful rest of your day. Take care. We'll see you next time. Meeting adjourned.

WHEREUPON THE BOARD MEETING WAS ADJOURNED.