

1 Workers' Compensation Full Board Meeting Minutes

2  
3 **Date:** Tuesday, June 14, 2022  
4 **Location:** 328 State Street, Schenectady, NY  
5 Room 329  
6 Webex Broadcast

7  
8  
9 **Time:** 10:00 a.m.

10 **MEMBERS OF THE BOARD**

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

23 **SECRETARY TO THE BOARD**

24 Kim McCarroll

**GENERAL COUNSEL**

David F. Wertheim, Esq.

**Also Present**

Hanna Reyes, Assistant Director of Intergovernmental and  
Regulatory Affairs  
Neil Gilberg, NYS WCB Advocate for Business

1 CLARISSA RODRIGUEZ: Good morning,  
2 everyone. Thank you so much for joining us. I'm  
3 Clarissa Rodriguez, Chair of the New York State  
4 Workers' Compensation Board. Now today's meeting is  
5 being conducted remotely throughout various locations  
6 in New York State, as well as being webcast live for  
7 members of the public. Again, welcome, everyone.  
8 Board Members, please be reminded to state your full  
9 name for the record each time you speak.

10 Now I have the distinct honor of calling the  
11 1011th meeting of the Full Board to order. Madam  
12 Secretary, will you please call attendance?

13 KIM MCCARROLL: Yes, Chair. Vice Chair  
14 Foster.

15 FREIDA FOSTER: Here.

16 KIM MCCARROLL: Board Member Higgins.

17 MARK HIGGINS: Here.

18 KIM MCCARROLL: Board Member Lobban.

19 LOREN LOBBAN: Here.

20 KIM MCCARROLL: Board Member Williams.

21 SAMUEL WILLIAMS: Here.

22 KIM MCCARROLL: Board Member Hull.

23 LINDA HULL: Here.

24 KIM MCCARROLL: Board Member Ausili.

1 FREDRICK AUSILI: Here.

2 KIM MCCARROLL: Board Member Crain.

3 STEVEN CRAIN: Here.

4 KIM MCCARROLL: Board Member Stasko.

5 MARK STASKO: Here.

6 KIM MCCARROLL: Board Member Tavares.

7 ARELIS TAVARES: Here.

8 KIM MCCARROLL: Board Member Caggianelli.

9 PAMELA CAGGIANELLI: Here.

10 KIM MCCARROLL: Board Member Dilan.

11 MARTIN DILAN: Here.

12 KIM MCCARROLL: Madam Chair, all members are  
13 present.

14 CLARISSA RODRIGUEZ: Thank you very much,  
15 Madam Secretary. Okay. Agenda Item Number 1,  
16 approval of the May 17, 2022 meeting minutes. Now  
17 Board Members, you've all received a copy of the May  
18 17, 2022 meeting minutes to review. Are there any  
19 questions or need for discussion? Okay, seeing and  
20 hearing none, is there a motion to approve the meeting  
21 minutes?

22 MARTIN DILAN: Yes, Madam Chair, this is  
23 Board Member Dilan, and I move that the minutes be  
24 accepted as presented.

1 CLARISSA RODRIGUEZ: Thank you very much,  
2 Board Member Dilan. Is there a second?

3 LINDA HULL: Yes, Madam Chair, this is Board  
4 Member Linda Hull, and I second that motion.

5 CLARISSA RODRIGUEZ: Thank you, Board  
6 Member Hull. Is there any opposition? Seeing and  
7 hearing none, all in favor, please say aye.

8 ALL: Aye.

9 CLARISSA RODRIGUEZ: All opposed? Hearing  
10 none, I am also a yes, that motion is passed. Thank  
11 you, Board Members. Agenda Item 2, Office of General  
12 Counsel's Departmental Report. David Wertheim, our  
13 Acting Executive Director and General Counsel, will  
14 now present the Statistical and Informational Report  
15 for May.

16 DAVID WERTHEIM: Thank you. And good  
17 morning, Chair, Vice Chair, and Board Members. Here  
18 is a report of the adjudicatory activity in May 2022.

19 First, in formal Adjudication there were 18,658  
20 hearings held, 12,338 issues fully resolved at the  
21 hearing, with 423 Reserve Decisions being issued.  
22 There were 1,948 finalized approved Waiver Agreements.

23 In Administrative Review, there were 1,120  
24 applications received, 1,016 applications were

1 processed, leaving an end-of-month inventory of 4,368.  
2 And in Full Board Review, 118 applications were  
3 received in May, 106 processed, leaving an  
4 end-of-month inventory of 234.

5 That concludes the Statistical and Informational  
6 report. Of course, I would take any questions. Thank  
7 you.

8 CLARISSA RODRIGUEZ: -- David. Board  
9 Members, are there any questions or need for  
10 discussion? Okay, seeing and hearing none, may I  
11 please have a motion to accept the Statistical and  
12 Informational Report of the Office of General Counsel?

13 MARTIN DILAN: Yes, Madam Chair, this is  
14 Board Member Dilan, and I move to accept the report by  
15 the General Counsel.

16 CLARISSA RODRIGUEZ: Thank you, Board  
17 Member Dilan. Is there a second?

18 LINDA HULL: Yes, this is Board Member Linda  
19 Hull, and I second that motion.

20 CLARISSA RODRIGUEZ: Thank you, Board  
21 Member Hull. Is there any opposition to the motion?  
22 Okay, seeing and hearing none, Board Members all in  
23 favor, please say aye.

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: Thank you. All  
2 opposed? Hearing none, I am also a yes, that motion  
3 is passed. Thank you. Agenda Item 3, License  
4 Applications. Hanna Reyes of the Office of Regulatory  
5 Affairs and Intergovernmental Affairs will now present  
6 the Licensing Applications.

7 HANNA REYES: Thank you so much. Good  
8 morning, Chair Rodriguez, Vice Chair Foster, Board  
9 Members, and colleagues. You have before you the  
10 recommendations from the assigned Board Panel  
11 regarding the Licensing Applications listed in Part 3  
12 of today's agenda. Section 50(3-b), GCG Risk  
13 Management, Inc., new qualifying officer, one year;  
14 Network Adjusters, Inc., three-year renewal.  
15 Section 50(3-d), American Equity Underwriters, Inc.,  
16 three-year renewal; Murphy and Beane TPA, Inc.,  
17 three-year renewal; Parker Services, LLC, three-year  
18 renewal. I present these recommendations to the Board  
19 for your consideration.

20 CLARISSA RODRIGUEZ: Thank you very much,  
21 Hanna. Board Members, are there any questions or need  
22 for discussion? Okay, seeing and hearing none, may I  
23 please have a motion to accept the recommendations of  
24 the Panels as presented and identified in Items 3 of

1 the agenda?

2 MARTIN DILAN: This is Board Member Martin  
3 Dilan, and I move to accept the report of the  
4 Licensing Panels.

5 CLARISSA RODRIGUEZ: Thank you, Board  
6 Member Dilan. Is there a second?

7 LINDA HULL: Yes, this is Board Member Linda  
8 Hull, and I second that motion.

9 CLARISSA RODRIGUEZ: -- Board Member Hull.  
10 Is there any opposition to the motion? Okay, seeing  
11 and hearing none, Board Members all in favor, please  
12 say aye.

13 ALL: Aye.

14 CLARISSA RODRIGUEZ: All opposed? Hearing  
15 none, I am also a yes, that motion is passed. Thank  
16 you. Agenda Item 4, are Legal Appeals. David  
17 Wertheim will now present the recommendations  
18 concerning decisions by the Appellate Division.

19 DAVID WERTHEIM: Thank you again, Chair. On  
20 today's agenda are seventeen decisions issued by the  
21 Appellate Division, Third Department with respect to  
22 workers' compensation claims. Of these, fifteen Board  
23 Decisions were affirmed, one was reversed, and one was  
24 modified. It is the recommendation of Office of

1 General Counsel that all of the decisions of the Court  
2 be adopted as the decisions of the Board. Thank you.

3 CLARISSA RODRIGUEZ: Thank you, David.  
4 Board Members, may I have a motion to accept the  
5 recommendations of the Office of General Counsel?

6 MARTIN DILAN: Yes, Madam Chair, this is  
7 Board Member Dilan, and I move to accept the report of  
8 the General Counsel.

9 CLARISSA RODRIGUEZ: -- Board Member Dilan.  
10 Is there a second?

11 LINDA HULL: Yes, this is Board Member Linda  
12 Hull, and I second that motion.

13 CLARISSA RODRIGUEZ: Thank you, Board  
14 Member Hull. Is there any opposition to the motion?  
15 Okay, hearing none, all in favor, please say aye.

16 ALL: Aye.

17 CLARISSA RODRIGUEZ: Thank you. All  
18 opposed? Hearing none, I am also a yes, that motion  
19 is passed. Thank you. Agenda Item 5, Mandatory Full  
20 Board Review. 5A, Adams Fairacre Farms, Inc., case  
21 number G2458617. Is there a motion with respect to 5A  
22 on the agenda?

23 LOREN LOBBAN: Yes, Madam Chair, this is  
24 Board Member Loren Lobban, and I move that the



1           dissenting opinion be adopted as the opinion of the  
2           Full Board.

3           CLARISSA RODRIGUEZ:       -- Board Member Lobban.  
4           Is there a second?

5           MARK HIGGINS:           Yes, Madam Chair, this is  
6           Board Member Mark Higgins, and I second the motion.

7           CLARISSA RODRIGUEZ:       -- Board Member  
8           Higgins. Are there any recusals from this matter? Is  
9           there any opposition to the motion?

10          PAMELA CAGGIANELLI:       Yes, Madam Chair, there  
11          is opposition to this matter.

12          CLARISSA RODRIGUEZ:       Thank you, Board Member  
13          Caggianelli. In light of the opposition, I call upon  
14          the Secretary for a roll call vote.

15          KIM MCCARROLL:           Board Member Ausili.

16          FREDRICK AUSILI:           Yes.

17          KIM MCCARROLL:           Board Member Caggianelli.

18          PAMELA CAGGIANELLI:       No.

19          KIM MCCARROLL:           Board Member Crain.

20          STEVEN CRAIN:            Yes.

21          KIM MCCARROLL:           Board Member Dilan.

22          MARTIN DILAN:            Yes.

23          KIM MCCARROLL:           Board Member Higgins.

24          MARK HIGGINS:            Yes.

1 KIM MCCARROLL: Board Member Hull.  
2 LINDA HULL: No.  
3 KIM MCCARROLL: Board Member Lobban.  
4 LOREN LOBBAN: Yes.  
5 KIM MCCARROLL: Board Member Stasko.  
6 MARK STASKO: No.  
7 KIM MCCARROLL: Board Member Tavares.  
8 ARELIS TAVARES: Yes.  
9 KIM MCCARROLL: Board Member Williams.  
10 SAMUEL WILLIAMS: Yes.  
11 KIM MCCARROLL: Vice Chair Foster.  
12 FREIDA FOSTER: Yes.  
13 KIM MCCARROLL: Madam Chair.  
14 CLARISSA RODRIGUEZ: Yes.  
15 KIM MCCARROLL: That motion is passed 9-3.  
16 CLARISSA RODRIGUEZ: -- very much, Madam  
17 Secretary. Now 5B, Lowe's Home Centers, Inc., case  
18 number G0645647. Is there a motion with respect to 5B  
19 on the agenda?  
20 ARELIS TAVARES: Yes, Madam Chair, this is  
21 Board Member Tavares, I move that the Board Panel's  
22 unanimous decision be adopted as the decision of the  
23 Full Board.  
24 CLARISSA RODRIGUEZ: Thank you, Board

1 Member Tavares. Is there a second?

2 FREIDA FOSTER: -- second.

3 CLARISSA RODRIGUEZ: Okay, thank you, Vice  
4 Chair Frieda. Are there any recusals from this  
5 matter? Okay, hearing none, is there any opposition  
6 to the motion? Hearing no opposition, all in favor,  
7 please say aye.

8 ALL: Aye.

9 CLARISSA RODRIGUEZ: Thank you. All  
10 opposed? Hearing none, I am, also a yes, that motion  
11 is passed. Thank you, Board Members. 5C, Battery  
12 Park City Authority, case number G2420698. Now is  
13 there a motion with respect to 5C on the agenda?

14 LOREN LOBBAN: Yes, Madam Chair, this is  
15 Board Member Loren Lobban, and I move that the  
16 dissenting opinion be adopted as the opinion of the  
17 Full Board.

18 CLARISSA RODRIGUEZ: Thank you, Board  
19 Member Lobban. Is there a second?

20 SAMUEL WILLIAMS: Yes, Madam Chair, this is  
21 Board Member Sam Williams, and I second that motion.

22 CLARISSA RODRIGUEZ: -- Board Member  
23 Williams. Are there any recusals? Is there any  
24 opposition to the motion?

1 PAMELA CAGGIANELLI: Yes, Madam Chair, this  
2 is Board Member Pamela Caggianelli, and there is  
3 opposition to this motion.

4 CLARISSA RODRIGUEZ: -- Board Member  
5 Caggianelli. In light of the opposition, I call upon  
6 the Secretary for a roll call vote.

7 KIM MCCARROLL: Board Member Ausili.

8 FREDRICK AUSILI: Yes.

9 KIM MCCARROLL: Board Member Caggianelli.

10 PAMELA CAGGIANELLI: No.

11 KIM MCCARROLL: Board Member Crain.

12 STEVEN CRAIN: Yes.

13 KIM MCCARROLL: Board Member Dilan.

14 MARTIN DILAN: Yes.

15 KIM MCCARROLL: Board Member Higgins.

16 MARK HIGGINS: Yes.

17 KIM MCCARROLL: Board Member Hull.

18 LINDA HULL: Yes.

19 KIM MCCARROLL: Board Member Lobban. Board  
20 Member Lobban?

21 LOREN LOBBAN: Yes.

22 KIM MCCARROLL: Thank you. Board Member  
23 Stasko.

24 MARK STASKO: Yes.

1 KIM MCCARROLL: Board Member Tavares.  
2 ARELIS TAVARES: Yes.  
3 KIM MCCARROLL: Board Member Williams.  
4 SAMUEL WILLIAMS: Yes.  
5 KIM MCCARROLL: Vice Chair Foster.  
6 FREIDA FOSTER: Yes.  
7 KIM MCCARROLL: Madam Chair.  
8 CLARISSA RODRIGUEZ: Yes.  
9 KIM MCCARROLL: That motion is carried 11-1.  
10 CLARISSA RODRIGUEZ: Thank you, Madam  
11 Secretary. Now Agenda Item 6, Discretionary Full  
12 Board Review. I now turn this portion of the agenda  
13 over to Vice Chair Foster.  
14 FREIDA FOSTER: Thank you, Madam Chair. For  
15 the cases listed in Item 6 on your agenda, it's been  
16 recommended that Full Board Review be granted. Those  
17 cases are: 6A, Matter of Western New York  
18 Developmental Disability -- Disabilities Services  
19 Office; and 6B, Building Your Dream, Inc. I move to  
20 refer the cases back to their respective Panels for  
21 further consideration.  
22 CLARISSA RODRIGUEZ: Thank you very much,  
23 Vice Chair Foster. Is there a second?  
24 LINDA HULL: Yes, Madam Chair, this is Linda

1 Hull, and I second that motion.

2 CLARISSA RODRIGUEZ: -- you. Are there any  
3 recusals from either of these matters? Hearing none,  
4 is there any opposition to the motion? Okay, seeing  
5 and hearing none, all those Board Members all in  
6 favor, please say aye.

7 ALL: Aye.

8 CLARISSA RODRIGUEZ: Thank you. All  
9 opposed? Seeing and hearing no opposition, I am also  
10 a yes, that motion is passed. Thank you. Agenda  
11 Item 7, is there any other business?

12 MARK HIGGINS: Yes, Madam Chair. Um, I wish  
13 to make a statement with regard to the tragedies in  
14 Buffalo, and ask you --

15 CLARISSA RODRIGUEZ: Yes, please go ahead.

16 MARK HIGGINS: -- if this would be an  
17 appropriate time to do so?

18 CLARISSA RODRIGUEZ: Yes, thank you, Mark,  
19 go ahead.

20 MARK HIGGINS: Thank you, Madam Chair. One  
21 month ago today my city changed forever. That was the  
22 day a deranged, misguided, and unguided young man  
23 drove over 20 miles -- 200 miles, with the  
24 self-expressed plan to kill as many black people as

1 possible.

2 He chose Tops Market on Jefferson Avenue in the  
3 Fruit Belt section of my city. The neighborhood is  
4 known for backyard urban farming, but the moniker  
5 comes from the name of the streets along Jefferson  
6 Avenue: Orange Street, Grape Street, Lemon Street,  
7 and so on.

8 The assault began around 2:30 p.m. Aaron Salter,  
9 the armed security guard on duty, with no hesitation,  
10 took a shot at the shooter. He slowed the shooter,  
11 who was wearing body armor. The shooter returned  
12 fire, killing Aaron Salter instantly. Salter was a  
13 retired Buffalo police officer.

14 The Buffalo police arrived on the scene in less  
15 than two minutes. They apprehended the shooter  
16 immediately. The shooter was unharmed. No police  
17 responders were hurt. Without Aaron Salter and the  
18 speedy response of the Buffalo police, he would have  
19 killed at least fifty people or more, as he had  
20 planned.

21 What has happened since? A Grand Jury  
22 indictment, 25 counts. The President, the Vice  
23 President, the Governor, and the two US Congressmen  
24 who represent the area, all came to the Fruit Belt to

1 show their respect, and to talk with the grieving  
2 families. The Governor promised swift action on  
3 assault rifles and Red Flag laws. She signed in such  
4 measures last week.

5 A local congressman attended all ten funerals.  
6 Speaking from the pulpit at several. One of the local  
7 congressmen, a greatly respected member of Congress,  
8 happens to be in Republican party, was about to breeze  
9 into another ten years in Congress. In his talks with  
10 the families and the community in the Fruit Belt, he  
11 said that he was now ready to support a ban, or at  
12 least limits, on assault rifles. Tuesdays, two days  
13 later, his congressional career is over at the end of  
14 this year.

15 Tops Markets has continued to pay the workers at  
16 the store. They have supplied workers with grocery  
17 gift cards weekly. They set up a drop-in center for  
18 the workers to visit one another and share a meal.  
19 Tops Markets started a fund to help the families  
20 affected. The fund is zooming towards \$3 million,  
21 with 12,500 separate donors.

22 There are memorial sites, prayer and candlelight  
23 services all throughout my city and far beyond. One  
24 of the first and largest was in my immediate



1 neighborhood at St. Martin's Roman Catholic Church in  
2 South Buffalo. An entire greater community is  
3 suffering.

4 Dozens of people from the Fruit Belt had made the  
5 trip to Washington to testify before Congress. The  
6 local Congressmen had provided their offices as a  
7 basis of support for their operation -- for that  
8 operation. My city will never be the same. We will  
9 continue to show respect, support, and love to the  
10 beautiful families that are left behind.

11 We believe that Aaron Salter is a hero. The  
12 Buffalo Police Department posthumously awarded Salter  
13 a Medal of Honor, and promoted him to the rank of  
14 lieutenant. He was given full honors of an active  
15 Buffalo police officer at his funeral.

16 I'm going to read the names of the people wounded  
17 and people killed that day. There are common themes  
18 among and in their lives. They are all black. They  
19 are largely deeply religious church-going people,  
20 community activists, and above all, devoted family  
21 people. There are several cancer survivors among  
22 them. All of them were out living life on a beautiful  
23 spring afternoon in my city.

24 The wounded: Zaire Goodman of Buffalo, New York,

1 age 20. This is a -- this is a young man. His mom  
2 was, is among the delegation that went to Washington  
3 to testify. Jennifer Warrington of Tonawanda, New  
4 York, age 50, treated and released from Erie County  
5 Medical Center. Christopher Braden of Lackawanna, New  
6 York, age 55, still hospitalized. Let's pray and hope  
7 that all three of these people recover fully  
8 physically, emotionally, and mentally.

9 Turning now to the people that were killed:

10 Roberta A. Drury of Buffalo, New York, age 32. Main  
11 reason why Ms. Drury lived in Buffalo was to care for  
12 her brother, who suffers from leukemia. Margus D.  
13 Morrison of Buffalo, New York, age 52. Andre Mackneil  
14 of Auburn, New York, age 53. Lieutenant Aaron Salter  
15 of Lockport, New York, age 55. Geraldine Talley of  
16 Buffalo, New York, age 62. Christine (sic) Chaney of  
17 Buffalo, New York, age 65. Heyward Patterson of  
18 Buffalo, New York, age 67. Katharine Massey of  
19 Buffalo, New York, age 72. Katharine went by Kat.  
20 Very well known in Buffalo. Major community activist.  
21 Reliable to show up at school board meetings, meetings  
22 at the Buffalo Common Counsel, and public hearings to  
23 give her thoughts on whatever the issue of the day  
24 was. She lived by the standard if you want to make a

1 difference, do it yourself, get involved. Pearl Young  
2 of Buffalo, New York, age 77.

3 Finally, and this one really hurts our city the  
4 most, if I could say that, because they all hurt, Ruth  
5 Whitfield of Buffalo, New York, age 86. The matriarch  
6 of the Whitfield family. Very well known, very  
7 successful people, huge family in Buffalo. Ruth  
8 Whitfield's son, Garnell Whitfield, Commissioner of  
9 the Buffalo Police Department, retired. Garnell  
10 Washington, or Garnell Whitfield, Ruth's son, is the  
11 undisputed leader of the delegation that went to  
12 Washington to testify.

13 Madam Chair, that concludes my remarks. I thank  
14 you for the opportunity, and um, let's hope that  
15 somehow something good comes out of this at some  
16 point. In many ways it already has. There's an  
17 outpouring of love and support for all of these people  
18 in the community at large. Thank you.

19 CLARISSA RODRIGUEZ: -- you so much, Board  
20 Member Higgins for your sobering remarks. I'll now  
21 ask for a moment of silence to commemorate the victims  
22 of this senseless tragedy in our very own backyard.  
23 Thank you, everyone.

24 Onto the next item on our agenda, our guest

1 speaker, Neil Gilberg, who is the Board's Advocate for  
2 Business. Now Neil Gilberg has significant experience  
3 in the private sector. Mr. Gilberg comes from the  
4 hospitality industry, where he spent twenty years  
5 running a major Catskill's resort, managing 300  
6 employees and a multimillion dollar budget.

7 He also has background in government service, as  
8 a former Sullivan County clerk, as a member of the  
9 Fallsburg Town Counsel, and as a trustee of the  
10 Fallsburg Central School District. Mr. Gilberg was on  
11 the Board of Directors for CASA, Court Appointed  
12 Special Advocate for Children.

13 Mr. Gilberg was subsequently appointed to the --  
14 by the Governor to serve as the Business  
15 Ambassador/Advocate for Business for the New York  
16 State Workers' Compensation Board. In this capacity,  
17 Mr. Gilberg addresses employers' concerns regarding  
18 the workers' compensation system in New York State,  
19 and helps develop policies to address those concerns.  
20 Welcome, Neil. Thank you for being here.

21 NEIL GILBERG: Thank you, Chair Rodriguez,  
22 Vice Chair Foster, Madam Secretary, and Board Members.  
23 Thank you for having me here today to speak to you  
24 about my office, the Office of the Advocate for

1 Business.

2 The office was created out of legislation, excuse  
3 me, to give employers in New York State one place to  
4 reach out to, to get their concerns addressed here at  
5 the Board. I was appointed back in 2008. And at that  
6 time it was just me, and fortunately for me there was  
7 a fellow here at the Board named Steve Carbone, who  
8 had been doing outreach and reaching out to the  
9 employer community.

10 And for about a year I attached myself to him, so  
11 I could learn what I needed to learn in order to help  
12 employers. He was doing outreach, excuse me, outreach  
13 presentations. And I noticed that he was, he was able  
14 to do presentations to organizations in a manner  
15 taking workers' compensation insurance situations and  
16 making them interesting. And people would listen. So  
17 I kind of tried to model myself after that.

18 At the time that I was appointed also there was,  
19 in the office, the late Ed Ruff, who was the Advocate  
20 for Injured Workers. And he welcomed me in, and we  
21 worked together for probably eleven years,  
22 twelve years, but together it was just him and I. And  
23 we would do presentations together, and work together.

24 And at the same time, ironically, in the Public

1 Information Office, it was Joe Cavalcante, who's now  
2 the Advocate for Injured Workers, and he assisted us,  
3 both Ed and I, in preparing the materials we needed to  
4 go out on the road with. Because we didn't know how  
5 to do it. And so the three of us really created that  
6 office.

7 And I did that for about a year, and then I  
8 started to get contacted by other agencies to be part  
9 of like a three-agency presentation, IRS, Tax and  
10 Finance, Workers' Comp. So I started to travel the  
11 state more. I had a pretty good understanding of what  
12 I needed to know.

13 And then I was approached and became a member of  
14 a panel that the former Governor Cuomo put together,  
15 where I, along with about six other agencies, toured  
16 with the Deputy Secretary for Human Rights. We  
17 traveled probably seventeen places around the state,  
18 seventeen sites, and did presentations. And they  
19 generated more interest in my doing presentations  
20 because we had done so many, we started to get  
21 contacted.

22 At that point, it had still been just me, and I  
23 was taking calls on a daily basis trying to find  
24 places to speak to, doing those presentations, and so

1 somebody came and was added to my office, Nicole, an  
2 administrative assistant, was added to my office. And  
3 she had a good deal of knowledge with compliance  
4 issues. So she would take the calls. And she's still  
5 with me today, and she's as good today as she was back  
6 then. She treats everybody professionally. She has a  
7 great understanding of what they need to know.

8 And when people call us, they are upset, they're  
9 worried. And she treats everybody like it's the first  
10 time she ever heard their problem. She's not callus  
11 to it. She gives them the, the information that they  
12 need, and works with them to resolve their problems.

13 Fast forward to Chair Rodriguez now being the  
14 Chairman of the Board, who I report to, and we had a  
15 shared interest in enlarging this office. Because we  
16 realized that outreach is a key element of the success  
17 of the office. So we added another person, Walt, who  
18 has a specialty in code enforcement.

19 We also train code enforcement officers as part  
20 of the Department of State program because they're  
21 responsible prior to issuing any permit, they have to  
22 check for acceptable proof of workers' comp, or  
23 acceptable proof that it's not required. And there's  
24 some, there's some criteria that's required and

1 knowledge that's required to do that.

2 So Walt actually travels the state and teach --  
3 prior to COVID -- travels the state, now it's done  
4 virtually. And he could have, you know, fifty, sixty  
5 people at a meeting. And just as important as  
6 training them is he's now a resource for them, when,  
7 when a builder goes into a Code Enforcement office in  
8 Buffalo and tells the Code Enforcement officer that  
9 he's doing it improperly, they get Walt on the phone  
10 right there, and Walt puts an end to it, and they have  
11 to follow the law.

12 And he also does presentations across the state.  
13 And hopefully when COVID settles down, we'll all be  
14 doing far more presentations. And in that vein, we  
15 also added to my office, Deb, who is an outreach  
16 specialist and a networking specialist.

17 And if we ever do get COVID under control and we  
18 are back doing in-person presentations, I'm going to  
19 be very, very busy, because the opportunities that she  
20 gets are endless. And she does a great job doing it.  
21 She also does tabling. She'll go to small business  
22 expos and be the table, and she can direct people to  
23 the proper resources here at the Board.

24 Going back to Ed and I, we used to do, we, we



1 were in charge of the Board's participation at the New  
2 York State Fair for many years. And we had this  
3 little table top exhibit that we unfolded, and we put  
4 it out there on top of our tablecloth, and we had some  
5 of the, the materials that Joe had created. That was  
6 what we had.

7 Now we have a communications department here at  
8 the Board. And they have, you know, graphic artists,  
9 and they have created a really good image for the  
10 Board. And Kim, can you show them? So instead of,  
11 this is the kind of presentation that we have now as  
12 opposed to the little pop up thing that Ed and I used  
13 to use. You can see that we're far more professional  
14 than we ever were before.

15 That communication department also gives us a  
16 high visibility in social media. And I actually do,  
17 and Joe does, we do monthly webinars on what business  
18 owners need to know, and what injured workers need to  
19 know. That's, that's good, Kim.

20 And so some of the outreach that we do, I'll,  
21 I'll do presentations to Chambers of Commerce.  
22 There's something called Small Business Development  
23 Centers here in New York. There are twenty-five  
24 Development Centers here. I haven't hit all of them,

1 but what I decided to do was train the trainers,  
2 because these small business developers work there, I  
3 train them. In one fell swoop, in one virtual  
4 meeting, I trained all twenty-five. They now have a  
5 basic understanding of what to tell these potential  
6 business owners when they come in. And if they don't  
7 know the answer, they know that my office exists, and  
8 to get them to me.

9 Minority Women Business Enterprise exhibits and  
10 events we attend. All the veterans' business events  
11 we attend. Professional Assoc -- we just did one for  
12 the Association of General Contractors, the Restaurant  
13 Association, Chambers, there, there're far too many  
14 for me to mention, and the outreach opportunities are  
15 really endless. And as I said before, Deb is doing a  
16 great job on getting to them.

17 Some of the types of examples that, of, of  
18 situations that we help people with, penalties, 80% of  
19 the time, 80% of the calls we get are employers that  
20 have penalties. And where it's warranted we can help  
21 reduce those penalties by working with our Penalty  
22 Collection Unit here, and our Compliance Unit.

23 A couple of real life situations that occurred,  
24 when I first came to the Board I got a call from a

1 company down in Poughkeepsie that took old farm (audio  
2 cut out) had a mill and they had a sales office that  
3 were about five miles apart. The insurance carrier  
4 was charging premium on everybody the same at the  
5 highest rate, as if everybody was working on a saw. I  
6 was brand new, and I didn't know that I wasn't  
7 supposed to do this, but I got in my car and I drove  
8 there, and I saw the difference. So I got back to the  
9 people at the carrier, they didn't want to budge on  
10 it, but I got to the Rating Board, and they put their  
11 foot down, and the premium was changed, which was  
12 significant.

13 Another one that I did recently, couple years  
14 ago, I was doing a presentation, actually in a barn,  
15 to the Westchester Agricultural Society. And after  
16 the presentation the gentleman came up to me and said  
17 that he was in the horse boarding business, and he had  
18 the same carrier for many years, carrier decided not  
19 to write it anymore. And he went to a new carrier,  
20 and the new carrier changed the classification code by  
21 which the premium is, is largely affected, and it  
22 doubled his premium, which was life changing and  
23 almost business ending.

24 And he said he reached out to the carrier and

1 they wouldn't budge on it. And this is one that took  
2 me several months, but working with the Rating Board  
3 they went back to the original class code, and when I  
4 tell you, this is, the payroll was over a million  
5 dollars, so you can imagine how the premium was  
6 affected. And that was really a significant save for  
7 the office.

8 Another area that we get involved in in New York  
9 State there are, there's a debarment law, it's a  
10 vetting integrity tool that's used both by the  
11 Department of Labor and by the Workers' Comp Board.  
12 And it's somewhat complicated, and it can be very,  
13 very damaging to a business if they are adversely  
14 affected by it. If they shouldn't be on it and they  
15 are on it, if it's not being applied properly by  
16 agencies. And it requires a good deal of work on our  
17 part to make sure that it's being done properly. We  
18 don't make the decision, but we certainly make state  
19 agencies aware of what the situation is, and they can  
20 make their own mind up.

21 And also we get executive correspondence. We get  
22 it down from our executive office. Elected officials  
23 reach out to us to help their constituents. We will  
24 do so quickly, get back to them, and let them know

1           what we've done, and then they help their  
2           constituents.

3           At that I think that's about all I have to say.  
4           If you would like to ask any questions, I'm more than  
5           willing to answer.

6           CLARISSA RODRIGUEZ:           Hearing none, Neil, I  
7           do want to thank you for your presentation, and for,  
8           you know, letting the public know about your very  
9           important office, and the very important work that you  
10          do there, so. Just one last thing, can you let the  
11          public know how to reach you, either a phone number or  
12          website?

13          NEIL GILBERG:           Certainly. The Board's  
14          website is [wcb.ny.gov](http://wcb.ny.gov), and our direct telephone line  
15          is 518-486-3331. You can e-mail us at  
16          [advocatebusiness.ny.gov](mailto:advocatebusiness.ny.gov).

17          CLARISSA RODRIGUEZ:           Perfect, thank you so  
18          very much. Really appreciate you joining us today.

19          Okay, the last order of business, may I please  
20          have a motion to adjourn today's meeting?

21          MARTIN DILAN:           Yes, Madam Chair, this is  
22          Board Member Dilan, and I move that we adjourn the  
23          meeting.

24          CLARISSA RODRIGUEZ:           Thank you, Board

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Member Dilan. Is there a second?

LINDA HULL: Yes, this is Board Member Linda Hull, and I second that motion.

CLARISSA RODRIGUEZ: Thank you, Board Member Hull. All in favor, please say aye.

ALL: Aye.

CLARISSA RODRIGUEZ: -- hearing none, I am also a yes. Meeting adjourned. Have a good afternoon, everyone.

(Whereupon, the meeting was adjourned.)