Workers' Compensation Full Board Meeting Minutes

Date: Tuesday, June 14, 2022
Location: 328 State Street, Schenectady, NY
           Room 329
           Webex Broadcast

Time: 10:00 a.m.

MEMBERS OF THE BOARD
Clarissa M. Rodriguez, Chair
Freida Foster, Vice Chair
Mark Higgins
Loren Lobban, Esq.
Samuel G. Williams
Linda Hull
Fredrick M. Ausili, Esq.
Steven A. Crain, Esq.
Mark R. Stasko
Arelis Tavares
Martin M. Dilan
Pamela Caggianelli

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

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

KIM MCCARROLL: Yes, Chair. Vice Chair Foster.

FREIDA FOSTER: Here.

KIM MCCARROLL: Board Member Higgins.

MARK HIGGINS: Here.

KIM MCCARROLL: Board Member Lobban.

LOREN LOBBAN: Here.

KIM MCCARROLL: Board Member Williams.

SAMUEL WILLIAMS: Here.

KIM MCCARROLL: Board Member Hull.

LINDA HULL: Here.

KIM MCCARROLL: Board Member Ausili.
FREDRICK AUSILI: Here.

KIM MCCARROLL: Board Member Crain.

STEVEN CRAIN: Here.

KIM MCCARROLL: Board Member Stasko.

MARK STASKO: Here.

KIM MCCARROLL: Board Member Tavares.

ARELIS TAVARES: Here.

KIM MCCARROLL: Board Member Caggianelli.

PAMELA CAGGIANELLI: Here.

KIM MCCARROLL: Board Member Dilan.

MARTIN DILAN: Here.

KIM MCCARROLL: Madam Chair, all members are present.

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

MARTIN DILAN: Yes, Madam Chair, this is Board Member Dilan, and I move that the minutes be accepted as presented.
CLARISSA RODRIGUEZ: Thank you very much, Board Member Dilan. Is there a second?

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

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

ALL: Aye.

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

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

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

In Administrative Review, there were 1,120 applications received, 1,016 applications were
processed, leaving an end-of-month inventory of 4,368.
And in Full Board Review, 118 applications were
received in May, 106 processed, leaving an
end-of-month inventory of 234.

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

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

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

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

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

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

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

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

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

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

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

ALL: Aye.

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

DAVID WERTHEIM: Thank you again, Chair. On today's agenda are seventeen decisions issued by the Appellate Division, Third Department with respect to workers' compensation claims. Of these, fifteen Board Decisions were affirmed, one was reversed, and one was modified. It is the recommendation of Office of
General Counsel that all of the decisions of the Court be adopted as the decisions of the Board. Thank you.

CLARISSA RODRIGUEZ: Thank you, David.

Board Members, may I have a motion to accept the recommendations of the Office of General Counsel?

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

CLARISSA RODRIGUEZ: -- Board 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. Is there any opposition to the motion? Okay, hearing none, all in favor, please say aye.

ALL: Aye.

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

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

CLARISSA RODRIGUEZ: -- Board Member Lobban.

Is there a second?

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

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

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

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

KIM MCCARROLL: Board Member Ausili.

FREDRICK AUSILI: Yes.

KIM MCCARROLL: Board Member Caggianelli.

PAMELA CAGGIANELLI: No.

KIM MCCARROLL: Board Member Crain.

STEVEN CRAIN: Yes.

KIM MCCARROLL: Board Member Dilan.

MARTIN DILAN: Yes.

KIM MCCARROLL: Board Member Higgins.

MARK HIGGINS: Yes.
KIM MCCARROLL: Board Member Hull.
LINDA HULL: No.
KIM MCCARROLL: Board Member Lobban.
LOREN LOBBAN: Yes.
KIM MCCARROLL: Board Member Stasko.
MARK STASKO: No.
KIM MCCARROLL: Board Member Tavares.
ARELIS TAVARES: Yes.
KIM MCCARROLL: Board Member Williams.
SAMUEL WILLIAMS: Yes.
KIM MCCARROLL: Vice Chair Foster.
FREIDA FOSTER: Yes.
KIM MCCARROLL: Madam Chair.
CLARISSA RODRIGUEZ: Yes.
KIM MCCARROLL: That motion is passed 9-3.
CLARISSA RODRIGUEZ: -- very much, Madam Secretary. Now 5B, Lowe's Home Centers, Inc., case number G0645647. Is there a motion with respect to 5B on the agenda?
ARELIS TAVARES: Yes, Madam Chair, this is Board Member Tavares, I move that the Board Panel's unanimous decision be adopted as the decision of the Full Board.
CLARISSA RODRIGUEZ: Thank you, Board
Member Tavares. Is there a second?

FREIDA FOSTER: -- second.

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

ALL: Aye.

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

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

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

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

CLARISSA RODRIGUEZ: -- Board Member Williams. Are there any recusals? Is there any opposition to the motion?
PAMELA CAGGIANELLI: Yes, Madam Chair, this is Board Member Pamela Caggianelli, and there is opposition to this motion.

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

KIM MCCARROLL: Board Member Ausili.

FREDRICK AUSILI: Yes.

KIM MCCARROLL: Board Member Caggianelli.

PAMELA CAGGIANELLI: No.

KIM MCCARROLL: Board Member Crain.

STEVEN CRAIN: Yes.

KIM MCCARROLL: Board Member Dilan.

MARTIN DILAN: Yes.

KIM MCCARROLL: Board Member Higgins.

MARK HIGGINS: Yes.

KIM MCCARROLL: Board Member Hull.

LINDA HULL: Yes.

KIM MCCARROLL: Board Member Lobban. Board Member Lobban?

LOREN LOBBAN: Yes.

KIM MCCARROLL: Thank you. Board Member Stasko.

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

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

ALL: Aye.

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

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

CLARISSA RODRIGUEZ: Yes, please go ahead.

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

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

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

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

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

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

What has happened since? A Grand Jury indictment, 25 counts. The President, the Vice President, the Governor, and the two US Congressmen who represent the area, all came to the Fruit Belt to
show their respect, and to talk with the grieving families. The Governor promised swift action on assault rifles and Red Flag laws. She signed in such measures last week.

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

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

There are memorial sites, prayer and candlelight services all throughout my city and far beyond. One of the first and largest was in my immediate
neighborhood at St. Martin's Roman Catholic Church in
South Buffalo. An entire greater community is
suffering.

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

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

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

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

Turning now to the people that were killed:

Roberta A. Drury of Buffalo, New York, age 32. Main
reason why Ms. Drury lived in Buffalo was to care for
her brother, who suffers from leukemia. Margus D.
Morrison of Buffalo, New York, age 52. Andre Mackneil
of Auburn, New York, age 53. Lieutenant Aaron Salter
of Lockport, New York, age 55. Geraldine Talley of
Buffalo, New York, age 62. Christine (sic) Chaney of
Buffalo, New York, age 65. Heyward Patterson of
Buffalo, New York, age 67. Katharine Massey of
Buffalo, New York, age 72. Katharine went by Kat.
Very well known in Buffalo. Major community activist.
Reliable to show up at school board meetings, meetings
at the Buffalo Common Counsel, and public hearings to
give her thoughts on whatever the issue of the day
was. She lived by the standard if you want to make a
difference, do it yourself, get involved. Pearl Young
of Buffalo, New York, age 77.

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

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

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

Onto the next item on our agenda, our guest

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

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

Mr. Gilberg was subsequently appointed to the -- by the Governor to serve as the Business Ambassador/Advocate for Business for the New York State Workers' Compensation Board. In this capacity, Mr. Gilberg addresses employers' concerns regarding the workers' compensation system in New York State, and helps develop policies to address those concerns.

Welcome, Neil. Thank you for being here.

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

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

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

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

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

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

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

At that point, it had still been just me, and I was taking calls on a daily basis trying to find places to speak to, doing those presentations, and so
somebody came and was added to my office, Nicole, an
administrative assistant, was added to my office. And
she had a good deal of knowledge with compliance
issues. So she would take the calls. And she's still
with me today, and she's as good today as she was back
then. She treats everybody professionally. She has a
great understanding of what they need to know.

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

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

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

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

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

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

Going back to Ed and I, we used to do, we, we
were in charge of the Board's participation at the New York State Fair for many years. And we had this little table top exhibit that we unfolded, and we put it out there on top of our tablecloth, and we had some of the, the materials that Joe had created. That was what we had.

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

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

And so some of the outreach that we do, I'll, I'll do presentations to Chambers of Commerce. There's something called Small Business Development Centers here in New York. There are twenty-five Development Centers here. I haven't hit all of them,
but what I decided to do was train the trainers, because these small business developers work there, I train them. In one fell swoop, in one virtual meeting, I trained all twenty-five. They now have a basic understanding of what to tell these potential business owners when they come in. And if they don't know the answer, they know that my office exists, and to get them to me.

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

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

A couple of real life situations that occurred, when I first came to the Board I got a call from a
company down in Poughkeepsie that took old farm (audio cut out) had a mill and they had a sales office that were about five miles apart. The insurance carrier was charging premium on everybody the same at the highest rate, as if everybody was working on a saw. I was brand new, and I didn't know that I wasn't supposed to do this, but I got in my car and I drove there, and I saw the difference. So I got back to the people at the carrier, they didn't want to budge on it, but I got to the Rating Board, and they put their foot down, and the premium was changed, which was significant.

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

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

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

And also we get executive correspondence. We get
it down from our executive office. Elected officials
reach out to us to help their constituents. We will
do so quickly, get back to them, and let them know
what we've done, and then they help their constituents.

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

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

NEIL GILBERG: Certainly. The Board's website is wcb.ny.gov, and our direct telephone line is 518-486-3331. You can e-mail us at advocatebusiness.ny.gov.

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

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

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

CLARISSA RODRIGUEZ: Thank you, Board
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.)