

# **City of Miami**

*City Hall*  
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## **Meeting Minutes**

**Monday, June 3, 2013**

**10:00 AM**

**SPECIAL MEETING**

**Commission Chambers**

## **Civil Service Board**

*Gerald Silverman, Chairperson  
Sean Moy, Chief Examiner  
Lillie Harris, Board Member  
Javier Baños, Board Member*

## PLEDGE OF ALLEGIANCE

*The meeting was called to order at 10:06 a.m. The roll call at the commencement of the meeting was as follows:*

**Present:** Chairperson Silverman, Member Harris and Member Baños

**Absent:** Chief Examiner Moy

## A. APPROVING THE MINUTES OF:

Regular Meeting of May 14, 2013.

*The Board entered a motion to APPROVE the minutes of the May 14, 2013 meeting which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, to APPROVE. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

## B. PERSONNEL MATTERS

B.1 Copy of memorandum from Beverly Pruitt, Director, Department of Human Resources, confirming the request of Quanisha Cushion, Crime Scene Investigator I, Department of Police, to return to her former classification of Public Service Aide, Department of Police, effective May 28, 2013.  
(NOTIFICATION)

**NOTIFIED**

B.2 Copy of a memorandum from Jorge Gomez, Assistant Chief, requesting to extend the probationary period of Lorraine Perrier, Emergency Dispatch Assistant, for six (6) additional months beyond July 23, 2013.  
(DISCUSSION)

*Jorge Valladares on behalf of the Police Department stated that Ms. Perrier was not present at today's meeting, but she had signed a memo stating she had no objection to the extension of her probationary period.*

*Chairman Silverman asked Mr. Valladares if he was expecting Ms. Perrier to be at today's meeting. Mr. Valladares responded that he was told Ms. Perrier went home ill on Saturday so he was not expecting her to be at today's meeting.*

*For clarification purposes, Member Harris asked if Ms. Perrier signed a memo indicating she had no objection to the extension of her probationary period. The Executive Secretary responded in the affirmative and advised Member Harris that a copy of Ms. Perrier's signed memo was included her agenda packet.*

*Following discussion, the Board entered a motion to APPROVE the department's request to extend the probationary period of Lorraine Perrier, Emergency Dispatch Assistant, an additional 6 months beyond July 23, 2013, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

**C. MILITARY LEAVES OF ABSENCE**

**D. DISCIPLINARY MATTERS**

**D.1** Copy of a Judgment from the City Manager concurring with the Board's findings concerning the Appeal Hearing of Osmar Martinez, relative to his 40-hr suspension, effective October 25, 2012. It is ordered and adjudged that the decision of the Chief of Police to suspend Officer Martinez is hereby modified to a 10-hr suspension. (NOTIFICATION)

**NOTIFIED**

**D.2** Copy of a Judgment from the City Manager concurring with the Board's findings concerning the Appeal Hearing of Osmar Martinez, relative to his 10-hr suspension, effective September 30, 2012. It is ordered and adjudged that the decision of the Chief of Police to suspend Officer Martinez is hereby reversed. (NOTIFICATION)

**NOTIFIED**

**D.3** Copy of a Settlement Agreement concerning the Appeal hearing on behalf of Jean Barony, Police Officer, relative to his 80-hour suspension, effective July 8, 2012. (NOTIFICATION)

**NOTIFIED**

**D.4** Copy of an Agreement between the City of Miami and Carlos Jimenez, Structural Engineer/Plans Examiner, relative to his 5-day suspension, effective July 26, 2011. (NOTIFICATION)

**NOTIFIED**

**D.5** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Edward Lugo, Police Officer, of his 10-hour suspension, effective May 19, 2013. (NOTIFICATION)

**NOTIFIED**

**D.6** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Silvia Benitez, Emergency Dispatcher, of her 120-hour suspension, effective May 27, 2013 and a copy of a request to appeal. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

**RECEIVED AND FILED**

D.7 Copy of an Agreement between the City of Miami and Carlos Jimenez, Structural Engineer/Plans Examiner, concerning the Grievance Hearing pursuant to Rule 16.2, alleging a violation of Rule 12.1, as it concerns his layoff effective September 23, 2011. (NOTIFICATION)

NOTIFIED

## E. GENERAL ITEMS

E.1 Copy of Findings and Recommendations concerning the Grievance Hearing on behalf of Paul Hernandez, Chief Mechanical Inspector, pursuant to Civil Service Rule 16.1, Abuse of Power and 16.2, Complaint by Employee concerning a violation of 14.10 Reduction in Pay. (DISCUSSION)

**Motion by Member Harris, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

E.2 Copy of Findings of Fact concerning the Appeal hearing on behalf of Osmar Martinez, Police Officer, relative to his 160-hour suspension, effective January 11, 2013. (DISCUSSION)

Eugene Gibbons, Attorney, on behalf of Osmar Martinez, Police Officer requests that this matter be continued to the meeting of June 25, 2013.

*Robert Buschel, Law Office of Buschel and Gibbons, P.A., asked if this matter of the Findings of Fact was being presented for approval by the Board. Chairman Silverman responded that if either side expressed objections to the findings, the Board would discuss the matter, but if there were no objections presented by either side, the Board would approve the Findings of Fact Report.*

*Chairman Silverman asked for the department's position on the Findings of Fact Report. Casey Cohen, Assistant City Attorney (ACA), responded that she had no objections to the Findings; however, she believed Attorney Gibbons asked that this matter be rolled over to the Board's next meeting. Without objection from other Board Members, Chairman Silverman instructed the Executive Secretary to roll this matter over to the next meeting.*

**DEFERRED : Rescheduled for discussion at the meeting of June 25, 2013.**

E.3 Copy of Findings of Fact concerning the Appeal hearing on behalf of Workmond Napoleon, Police Officer, relative to his 80-hour suspension, effective January 4, 2013. Eugene Gibbons, Attorney and Casey Cohen, Assistant City Attorney expressed no objections to the Findings. (DISCUSSION)

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

**F. REPORTS**

F.1 Pending Hearings as of June 25, 2013. (NOTIFICATION)

**PRESENTED**

**G. REQUESTS FOR HEARINGS****H. TODAY'S HEARINGS**

H.1 Hearing of Appeal on behalf of David Carpenter, Police Officer, relative to his 10-hour forfeiture of earned time, effective May 25, 2011.

*Chairman Silverman asked the attorneys if they were prepared to go forward with Officer Carpenter's case today. Attorney Buschel responded that he and the department's attorney agreed to continue this hearing. Chairman Silverman asked for the department's position on this matter. ACA Cohen responded that she and opposing counsel agreed to a continuance of this case because it is related to Officer Carpenter's second case under Item H.2. (Hearing of Appeal on behalf of Officer David Carpenter relative to his 40-hour suspension). She went on to say that one of the witnesses, Lt. Jeffrey Locke had scheduled court, which was another reason they agreed that both hearings should be continued.*

*Chairman Silverman asked Board Members if they had any discussion on this matter. Member Harris responded in the affirmative. She went on to say that this case had been continued time and again mainly due to Lt. Locke's unavailability each time the hearing was scheduled so she was not going to vote in favor of continuing Officer Carpenter's hearings.*

*Member Banos stated that he was in agreement with Member Harris, so the cases will be heard today.*

*Chairman Silverman asked how many times had this case been continued. The Executive Secretary responded that the Board granted one continuance to each sides. Chairman Silverman stated the department's problem is that it does not have one of its witnesses in place and while the employee's attorney is prepared to go forward, he (Attorney Buschel) is in agreement with the department's position to continue both hearings relating to the matter of Officer David Carpenter. He went on to say there are only three Board Members present today and two of them have already stated their position of not granting a continuance so if the attorneys still wanted to continue the hearings, now was the time to see if they could otherwise convince the Board Members to change their positions.*

*ACA Cohen stated that they were trying to go forward with both of Officer Carpenter's cases today so that he would not have to come back to have his second case heard on a different day. She went on to say that being the case, they could go forward with Officer Carpenter's first case that pertains to his 10-hour forfeiture of earned overtime and that her witness, Sgt. Hoosier was available for this case.*

*Chairman Silverman asked Attorney Buschel if he was prepared to go forward with Officer Carpenter's first case that is scheduled on the agenda. Attorney Buschel responded that he preferred that the cases be heard together because the cases have a common theme and defense relating to Lt. Locke.*

Member Harris stated that the Board needed to hear these cases today because it was the same witness who is never available so she was not going to change her position about voting no to continue these cases. She went on to say the whole matter of these cases is about swift justice.

Chairman Silverman reiterated that there were only three Board Members in attendance. He went on to say he could remember many years ago when a Board Member was not present, the Chairman would give the employee the option to continue his/her case because it was felt that it was the Board's problem since there was not a full-Board. Chairman Silverman further stated that recently the Board had four Members and today there are only three Members so he did not think it was fair to both sides to have a Board made up of three people; however, the majority would decide.

*Following discussion, the Board entered a motion to DENY the attorneys' request for a joint continuance of Officer Carpenter's hearing relating to his 10-hour forfeiture, which resulted as follows:*

**Motion by Member Harris, seconded by Member Baños, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Baños and Harris

**No:** Silverman

**Absent:** Moy

*The motion having passed to deny the attorneys' request for a continuance of Officer Carpenter's hearing, the Board entered into the scheduled hearing of appeal on behalf of Officer David Carpenter.*

*Casey Cohen, Assistant City Attorney (ACA), represented the Department.*

*Robert Buschel, Attorney at Law, represented the Employee.*

*Attorneys Cohen and Buschel presented opening statements. All witnesses were sworn in individually. Witnesses for the department appeared in the following order:*

1. *Curtis Hoosier, Sergeant, City of Miami, Department of Police. Questions were posed by Board Members Harris and Banos during the testimony of Sgt. Hoosier.*

*The department rested its case. Witnesses for the Employee appeared in the following order:*

1. *David Carpenter, Police Officer, City of Miami, Department of Police, testified on his own behalf. Questions were posed by Board Members Harris and Banos during the testimony of Officer Carpenter.*

*The Employee rested his case and the Board proceeded to closing arguments that were presented by both attorneys. Following final argument, the Board entertained discussion concerning the Fact-Finding Phase of Officer Carpenter's hearing.*

*Member Harris stated she felt sorry after hearing about Officer Carpenter's injury and his challenge with the healing process, so she wished him a speedy recovery. She went on to say that, the fact still remained that the responsibility rested with the employee to call or have someone else call [for him] if he was not going to be present for work especially when there was no pre-approved paperwork in place such as a Family Medical Leave Act (FMLA) document, etc [authorizing his absence.] Member Harris further stated she thought it spoke volumes that the so-called people that made an arrangement with*

Officer Carpenter [that allowed him to make notification of his absence the following day whenever his medications caused him to oversleep] were not present to confirm that such an agreement existed. She stated that was a huge gap in discrepancy that was missing to tilt the scale more to the favor of Officer Carpenter's side. Member Harris went on to say that she actually thought Sgt. Hoosier was being nice when he recommended Officer Carpenter forfeit 10 hours of earned overtime because by doing so, Officer Carpenter actually was paid [for the day he failed to notify anyone of his inability to report for work.] She further stated that since Officer Carpenter was paid as opposed to [being carried in a without pay status for that day], the disciplinary action was equivalent to a reprimand [only with no loss of time] which is not appealable to the Board.

*Following discussion, the Board entered a motion to find the Employee GUILTY of Charge #1 - Departmental Order 1.11.6.28.3 - Members/Civilians to Conform, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

*The Board entered a motion to find the Employee GUILTY of Charge #2 - Departmental Order 1.11.6.17.9 - Neglect/Inattention to Duty, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

*The Board entered a motion to find the Employee GUILTY of Charge #3 - Civil Service Rule 14.2(e) 2 - Breach of Proper Discipline, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

*The Board entered a motion to find the Employee GUILTY of Charge #4 - Civil Service Rule 14.2(k) - Incompetent/Negligent, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

*The Board entered a motion to find the Employee GUILTY of Charge #5 - Civil Service Rule 14.2(q) - Absent Without Leave, which resulted as follows:*

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman, Baños and Harris

**Absent:** Moy

*The Employee having been found guilty of all of the charges, the Board proceeded to*

*the Penalty Phase of Officer Carpenter's appeal hearing. The Board reviewed the Employee's personnel file which revealed Officer Carpenter was hired on February 28, 1994 and since that time, he received 35 commendations and two (2) reprimands.*

*Chairman Silverman asked the department's attorney if she wished to present witness testimony as to the penalty. ACA Cohen responded in the negative and stated that she would only offer a brief argument. This being Attorney Buschel's first time before the Board, Chairman Silverman explained the penalty process to him for his own edification. He then asked Attorney Buschel if he wished to offer witness testimony as to the penalty. Attorney Bushel responded in the negative.*

*Both attorneys having waived rebuttal, the Board proceeded to closing arguments and the attorneys presented their positions on the case. Following final argument, Chairman Silverman called for Board discussion on the penalty.*

*Member Banos asked Special Counsel Everett if there was the possibility of the Board modifying the penalty so that it was harsher than what was imposed by the department director? Cynthia A. Everett, Special Counsel, responded that the Board was allowed to make whatever recommendation [based upon the case presented] and the final decision rested with the City Manager. Member Banos asked Special Counsel Everett did she mean that the Board could make whatever recommendation it deemed just and fair. Special Counsel Everett responded in the affirmative. Member Banos stated that given Special Counsel's opinion, he was making a motion to recommend to the City Manager that Officer Carpenter forfeit 10 hours of regular pay rather than [forfeit 10 hours of] earned overtime. The motion died for lack of a second.*

*The motion having died, Chairman Silverman asked if there was another motion or discussion on the penalty. Member Harris responded in the affirmative and stated the point she made during the Fact-Finding phase was that Officer Carpenter did not lose any wages because he was paid. She went on to say that technically Officer Carpenter should have been carried without pay because he was absent without leave, which would be in line with Member Banos' recommendation on the penalty.*

*Chairman Silverman stated he personally did not believe in penalizing someone for exercising their rights to come before the Board to have their day in court. He went on to say that he had never seen the Board increase the penalty although this Board had the authority to do so, he would be opposed to any change to the penalty. Chairman Silverman further stated he would be in favor of the 10-hour forfeiture of earned overtime that was imposed by the department director. He stated that Officer Carpenter in effect will lose the money probably not right now but eventually the time would be taken from his bank of earned overtime.*

*Following discussion, the Board entered a motion to recommend to the City Manager that Officer Carpenter forfeit 10 hours of pay.*

*Under discussion on the motion, Member Harris stated she tended to agree with the Chairman [about the penalty] because that was the way Sgt. Hoosier presented it in the reprimand. She went on to say that she thought Sgt. Hoosier was being nice because he knew some [disciplinary] action had to be taken, he wrote the reprimand, and recommended Officer Carpenter forfeit 10 hours of earned overtime so she concurred with Chairman Silverman's position on the penalty.*

*Member Banos stated that in regards to the point Member Harris made earlier, employees are to use this Board in circumstances where they were actually harmed; therefore, Officer Carpenter cannot come to this Board to make a complaint about what essentially amounted in his view to be a reprimand only [because a reprimand only*

cannot be appealed to the Board.] He went on to say that Sgt. Hoosier recommended that Officer Carpenter forfeit 10 hours of earned overtime which was time he may or may not have had on the books so he may lose money in the future. He stated he thought a real penalty, which is what he is asking for, would be more in line with what this Board typically does which is to actually forfeit time and actually have a punitive consequence to his actions. Member Banos went on to say there was no punitive consequence of Officer Carpenter's actions at this point and time which is the reason he made the motion.

Following discussion, Member Harris stated that she was not prepared when Member Banos made the initial motion and asked if the motion could be introduced again. Considering Member Harris' request, the Board entered a motion to recommend to the City Manager that Officer David Carpenter forfeit 10 hours of pay ("ww") which resulted as follows:

**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Baños and Harris

**No:** Silverman

**Absent:** Moy

Following the Board's approved vote on the penalty, Member Harris stated that she wanted to make a note about the ruling on the penalty for the record because she felt it was important. She went on to say that when Member Banos made the motion to recommend to the City Manager that Officer Carpenter forfeit 10 hours of pay, she believed it was a procedural correction that Member Banos cited based upon something she referenced during the questioning of Officer Carpenter. Member Harris further stated that in order for anyone to appeal a disciplinary action, there has to be a penalty. She went on to say that in Officer Carpenter's case, there was no penalty because he was paid for the time so there was no loss per se.

Member Harris stated she raised the question, "Why are we even here?" when the case was presented and that was because what Officer Carpenter received as discipline was equivalent to a reprimand only [with no loss of time.] She went on to say that in terms of the penalty, the bottom line is it is a recommendation to the City Manager and he will make the final decision.

**DISCUSSED : No action required by the Board.**

#### H.2

Hearing of Appeal on behalf of David Carpenter, Police Officer, relative to his 40-hour suspension, effective November 15, 2011.

Prior to hearing Officer Carpenter's case, ACA Cohen stated that the parties have agreed to a settlement of this case.

Chairman Silverman asked Attorney Buschel if he was in agreement with the settlement of this case. Attorney Bushel responded in the affirmative.

**DISCUSSED : Case will be closed and removed from the Board's docket upon receipt of written settlement agreement or rescheduled in accordance with the Board's Continuance Policy.**

#### H.3

Hearing of Appeal on behalf of Yatha Legrand, Police Officer, relative to her 30-hour suspension, effective January 25, 2012.

Chairman Silverman asked the parties if they were prepared to go forward with this case

today. ACA Cohen responded that opposing counsel asked that this case be continued and she had no objection.

Chairman Silverman asked Attorney Buschel if he still wanted to continue the hearing or if he wished to go forward with his client's case today. Attorney Buschel responded that he wanted to continue the case. Chairman Silverman stated that since Attorney Bushel needed to convince the majority of the Board Members [about granting his request for a continuance], he would give Attorney Buschel another chance to make a statement as to why he wants a continuance. Attorney Buschel responded that he was requesting a continuance because Officer Legrand was retired, she was currently out of the country, and they have had a transition of attorneys from the time she was issued the reprimand.

Chairman Silverman asked if Officer Legrand was no longer working for the City. Attorney Buschel responded in the affirmative and stated that Officer Legrand was retired. Chairman Silverman asked what the purpose of this hearing was since Officer Legrand was retired. Attorney Buschel responded that time was taken away from his client. Chairman Silverman stated that Officer Legrand was no longer working for the City, but the City can still take her 30 hours which meant money [taken away from her.] He asked the Executive Secretary if this was the issue in this case. The Executive Secretary responded that the suspension was effective January 25, 2012 and that was when the 30 hours were taken from Officer Legrand (in terms of a suspension without pay). She went on to say that Officer Legrand was retired the last time her case was before the Board.

For clarification purposes, Chairman Silverman asked if he was correct in understanding that if the Board hears the case and finds in favor of Officer Legrand, the City would give her back the 30 hours [in terms of pay] and if the Board does not find in favor of Officer Legrand that would end the case. The Executive Secretary responded in the affirmative.

Chairman Silverman asked why Officer Legrand was not present at today's meeting. Attorney Bushel responded it was his understanding that she was out of the country. Chairman Silverman stated that he made a statement some time ago when someone asked for a continuance he stipulated that the next time the hearing was scheduled the case would go forward. He asked Attorney Bushel if he was actually representing Officer Legrand or would there be another attorney representing her. Attorney Buschel responded that he was asked by his law firm (Buschel Gibbons, P.A.) to cover this matter today. He went on to say he was told that Officer Legrand was out of the country and to ask for a continuance because Officer Legrand was still eager to pursue the matter. Chairman Silverman stated that Officer Legrand could not be too eager to have her case heard if she keeps asking for continuances. Attorney Buschel responded that his law firm was not responsible for giving Officer Legrand notice of her hearing today which is why he told the Board about the transition of attorneys. Chairman Silverman asked Attorney Buschel if he was taking over the case. Attorney Buschel responded that his Law Firm has taken over this case. Chairman Silverman stated that according to what he heard, it sounded like a good story to him.

The Executive Secretary reminded the Chairman [about the statement he made earlier] that it was at the December 11, 2012 meeting when he mentioned the next time Officer Legrand's hearing was scheduled it would go forward. She went on to say that Attorney Ronald J. Cohen was the attorney of record at the time and he was advised that this matter would be scheduled for today. Chairman Silverman stated he did not think it would be fair to Officer Legrand to proceed because she was not present today, she was no longer an employee with the City of Miami, and he was not sure if either Attorney Cohen or Attorney Gibbons gave her notice of today's hearing. He went on to say this was not like it was the end of the world because the penalty was only a 30-hour

suspension so he was in favor of granting one last continuance of this case.

Member Banos stated with all due deference to the Chairman, Officer Legrand did not really seem to want [to have her case heard] bad enough.

Chairman Silverman asked if anyone was sure whether Officer Legrand received notice of today's hearing. Hearing none, Member Banos asked the Board's Special Counsel how employees are notified of their hearing. Special Counsel Everett responded that Attorney Cohen is no longer representing Officer Legrand so her only concern was that of a prior case for which the employee either did not get notice or it was unsure whether the employee received notice, and an appeal was taken that was upheld because of the lack of evidence that the employee had notice. She went on to say that she did have some concerns in terms of going forward if the Board was unable to establish what type of notice the employee did or did not receive. Special Counsel Everett stated we now know who is the new counsel so that law firm will be responsible for notifying the employee going forward.

Member Banos asked who was the attorney of record that was notified about this hearing today. The Executive Secretary responded that Attorney Cohen was notified. Member Banos asked if any notification was taken of the change from Attorney Cohen's law firm to Attorney Gibbons' law firm. The Executive Secretary responded in the affirmative. Member Banos asked the Executive Secretary if Attorney Cohen told her that Attorney Gibbons was taking over Officer Legrand's case and any other cases [that would be heard by this Board.] The Executive Secretary responded that Attorney Gibbons advised her that they would be taking over this case. Member Banos asked the Executive Secretary if Attorney Gibbons' notification to her was in writing and prior to today's hearing. The Executive Secretary responded in the affirmative. Member Banos asked the Executive Secretary how far in advance did she receive notification from Attorney Gibbons. The Executive Secretary responded that she received initial notice on May 22, 2013. For clarification purposes, Member Banos stated [according to the time of the initial notice] was he correct in understanding that Attorney Gibbons knew at least some days prior to May 22, 2013 that this hearing was going forward on June 3, 2013 and that Officer Legrand would be notified about today's hearing. The Executive Secretary responded in the affirmative.

Member Harris stated she was aware this case was continued several time but she wanted to know exactly how many times it was continued. The Executive Secretary responded that two continuances were granted and charge to the employee.

Following discussion, Member Banos made a motion to deny the employee's request for a hearing but it died for lack of a second. The motion having died, the Board entered a motion to grant the employee's request for a continuance. Under discussion on the motion, Member Harris stated she bent towards granting a continuance since the Chairman stated there would be no more continuances granted for this case. Following discussion, the motion on the floor to grant the employee's request for a continuance resulted as follows:

**Motion by Chairperson Silverman, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**

**Aye:** Silverman and Harris

**No:** Baños

**Absent:** Moy

## ADJOURNMENT:

*The meeting ADJOURNED at 11:46 a.m. A break was taken at 10:16 - 10:19 a.m.*

**SIGNATURE:**

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**Gerald Silverman, Chairperson**

**ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**