

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com*



Meeting Minutes

Tuesday, August 11, 2009

10:00 AM

Commission Chambers

Civil Service Board

*Miguel M. de la O, Chairperson
William J. Scarola, Chief Examiner
Jessica Angel-Capo, Board Member
Mariano Cruz, Board Member
Michael T. Dames, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:16 a.m. The roll call for Board Members at the commencement of the meeting was as follows:

Present: Chief Examiner Scarola, Member Dames, Member Angel-Capo and Member Cruz

Absent: Chairperson de la O

NOTE: Chairman de la O arrived at approximately 10:20 a.m. and a second roll call took place. The second roll call identified all members as being present.

A. APPROVING THE MINUTES OF:

Regular Meeting of July 28, 2009.

The Board entered a motion to APPROVE the minutes of the regular meeting of July 28, 2009 which resulted as follows:

**Motion by Member Cruz, seconded by Member Angel-Capo, to APPROVE.
PASSED by the following vote.**

Aye: Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

Absent: Chairperson de la O

B. PERSONNEL MATTERS

B.1

Copy of a memorandum from Julie O. Bru, City Attorney, Office of the City Attorney, requesting a second extension of probation of Monique L. Griffin, Typist Clerk III, for 90 additional days beyond August 6, 2009. (DISCUSSION)

Acting Chairman Scarola asked Ms. Griffin if she was aware that the department requested to extend her probationary period for an additional three months and if so, did she sign the concurrence memo indicating that she agreed to the extension.

Monique L. Griffin appeared before the Board and responded in the affirmative.

Member Dames asked Ms. Griffin to tell the Board the reason her department requested to extend her probationary period.

Ms. Griffin responded that her supervisor, Khadijah Dean-Williams, requested to extend her probationary period an additional 90 days so that she could successfully perform the scope of duties outlined in the job description of Typist Clerk III. She went on to say that she did not have a problem accepting the extension, but the reason provided for the extension is vague; therefore she would ask if the City Attorney or her supervisor could provide her with a listing of her shortcomings so that she knows the areas where she needs to show improvement. Ms. Griffin further stated that during a conversation with her supervisor she was informed that she had made dramatic improvements; however, it is very difficult for her to make additional improvement when she does not know what it is she must work on, which is the reason she is asking for a listing of specific things she needs to work on with regards to her work performance.

Diana Vizcaino, Assistant City Attorney (ACA), stated that Ms. Griffin had no objection and agreed to the extension; therefore, she is either in agreement with the extension of probationary period or she is not.

Member Angel-Capo asked Ms. Griffin if she was issued a performance evaluation.

Ms. Griffin responded in the negative. She stated that she was only given the memo indicating the department's request to extend her probationary period and if she did not agree to the extension she could be terminated.

Member Dames asked Ms. Griffin if she was requesting measurable goals for the next three months to prevent the department from either requesting an additional extension or terminating her employment at the end of the 3-month period.

Ms. Griffin responded in the affirmative.

Member Dames stated that he does not know what procedure the (Law) department has in place regarding probationary extensions, but he did know that Ms. Griffin signed a memo indicating she had no objection to the extension. He went on to say that the department's attorney was correct when she said Ms. Griffin did not object to the extension of her probationary period; however, it did not seem unreasonable for Ms. Griffin to ask for measurable goals in order to improve in specified areas.

Member Angel-Capo stated that normally a department would issue an employee an evaluation and contained within the evaluation would be goals and objectives to measure an employee's proficiency.

Member Dames asked Ms. Griffin if she received goals and objectives from the department for which she needs to work on.

Ms. Griffin responded that she did not receive goals and objectives nor did she receive an evaluation.

Member Angel-Capo stated that Ms. Griffin is a probationary employee who had not received a performance evaluation. She went on to say that she found this hard to believe because the performance evaluation is the measuring tool used to determine whether to extend an employee's probationary period. Member Angel-Capo asked if someone was present from the department to speak on this matter.

Angela Smith, Administrative Assistant II, Office of the City Attorney, appeared before the Board and stated that Khadijah Dean-Williams (who is Ms. Griffin's supervisor) is presently on vacation and asked that she attend in her absence. She went on to say that she is aware that Ms. Dean-Williams would periodically bring the employees in and explain the areas in which they needed improvement. Ms. Smith further stated that she works very closely with Ms. Griffin and primarily her office function is data entry; therefore, the department depends on her to receive and enter into the computer any complaints or requests for legal services; however, there are some areas the department feels she needs to concentrate on and make improvement; therefore, Ms. Dean-Williams requested to extend her probationary period an additional 90 days.

Member Dames stated that Ms. Smith mentioned that there are some areas that Ms. Griffin needs to improve which is the problem Ms. Griffin is having because she expressed to the Board that she did not know specifically which areas of improvement she is to work on. He went on to say that if the areas of improvement are specified this would allow for Ms. Griffin to have measurable goals and objectives to work towards becoming proficient and attaining permanent status.

Ms. Smith stated that if the Board wants the department to put in writing specific areas of improvement that Ms. Griffin needs to work on, it can be done; however, Ms.

Dean-Williams has spoken to Ms. Griffin on several occasions about her work performance and job duties.

Member Angel-Capo asked if the department has ever put in writing the areas of improvement that Ms. Griffin needs to work on.

Ms. Smith responded in the negative.

Following Chairman de la O's arrival, a second roll call took place, which resulted as follows:

Present: Chief Examiner Scarola, Chairperson de la O, Member Dames, Member Angel-Capo and Member Cruz

The Board continued with discussion of the department's request to extend Monique Griffin's probationary period.

ACA Vizcaino stated that the matter before the Board is to extend Ms. Griffin's probationary period and because Ms. Griffin expressed no objection to the extension of her probationary period, there is no requirement for the City Attorney to put in writing areas in which Ms. Griffin is deficient. She went on to say that the Board has heard from Ms. Smith who has provided noted deficiencies, which should be sufficient for this Board. ACA Vizcaino further stated that the employee has no objection so she would suggest the Board move on.

Member Dames stated that from his point of view, it was not sufficient because he is talking about an employee's livelihood. He went on to say that Ms. Griffin has requested that she be given a list of areas for which she is deficient, which in his opinion, is a very simple request.

Acting Chairman Scarola stated that Ms. Smith is willing to explain to Ms. Griffin the deficiencies she needs to work on. He asked Ms. Griffin if she would feel comfortable if the department provided her with a red-line memo specifying those areas for which she is deficient.

Ms. Griffin responded in the affirmative.

Acting Chairman Scarola stated that he did not think it was an unfair request made by Ms. Griffin because she needs to know the areas she is deficient in so that she can work on them. He asked Member Dames if he was ready to move forward since the department has agreed to provide Ms. Griffin with a list of areas she has proven to be deficient.

Member Dames responded in the affirmative.

ACA Vizcaino stated that if the City Attorney's Office is willing to comply with Ms. Griffin's request, that is fine, but she wants to make it clear that there is no rule that mandates that the Office of the City Attorney put in writing what a probationary employee's deficient areas are unless the Board can point to a rule that says otherwise.

Acting Chairman Scarola stated that when an employee of the Police Department is given an annual evaluation, the deficiencies are noted and the employee receives a copy; therefore, he did not think Ms. Griffin's request was unreasonable. He went on to say that he did not know the process used by the City Attorney's office for handling

performance evaluations, but he thought it would be an unfair position to place the employee in if she does not know what areas she needs to work on. Acting Chairman Scarola further stated that Ms. Griffin has asked and the department has agreed to provide her with specific areas she has shown to be deficient; therefore, he did not think at this point that it should be that big of an issue since Ms. Griffin has agreed to the extension.

Member Angel-Capo stated that since Ms. Griffin is a civil service employee, the department is required to provide her with a performance evaluation annually.

Following discussion, the Board entered a motion to APPROVE the department's request to extend Monique L. Griffin's probationary period an additional 3 months beyond August 4, 2009. The motion resulted as follows:

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

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

Acting Chairman Scarola turned the gavel over to Chairman de la O, who chaired the remainder of the meeting.

C. MILITARY LEAVES OF ABSENCE

D. DISCIPLINARY MATTERS

D.1 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Troy English, Police Officer, of his 10-hour suspension, effective July 25, 2009. (NOTIFICATION)

NOTIFIED

D.2 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Urbano Valentin, Police Officer, of his 20-hour suspension, effective August 5, 2009. (NOTIFICATION)

NOTIFIED

D.3 Copy of a letter from Mario E. Soldevilla, Director, Department of Solid Waste, notifying Felix Carmenate, Sanitation Supervisor, of his 1-day suspension, effective August 20, 2009. (NOTIFICATION)

NOTIFIED

D.4 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Juan Herrera, Police Officer, of his 50-hour suspension, effective July 31, 2009. (NOTIFICATION)

NOTIFIED

D.5 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Stephon McGill, Police Officer, of his 120-hour suspension, effective August 3, 2009. (NOTIFICATION)

NOTIFIED

- D.6 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Jerry Sutherland, Police Officer, of his 50-hour suspension, effective August 3, 2009. (NOTIFICATION)

NOTIFIED

- D.7 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Christian Alvarez-Vega, Police Officer, of his 40-hour suspension, effective August 2, 2009. (NOTIFICATION)

NOTIFIED

- D.8 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Margaret Mulet, Communications Assistant, of her termination, effective July 30, 2009. (NOTIFICATION)

NOTIFIED

- D.9 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Roberto Soroa, Police Officer, of his 80-hr suspension, effective July 29, 2009 and a copy of a request to appeal from Roberto Soroa. A hearing will be scheduled in accordance with the Civil Service Rules and Regulations. (NOTIFICATION)

RECEIVED AND FILED**E. GENERAL ITEMS****F. REPORTS**

- F.1 Pending Hearings as of August 11, 2009. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

- G.1 Request for hearing from Teri Guttman Valdes, Attorney, pursuant to Civil Service Rule 14, on behalf of Lazaro Cabezas, Telecommunications Technician. (DISCUSSION)

The Executive Secretary informed the Board that she received notice from Attorney Guttman-Valdes requesting to carry this matter over to the Board's next meeting.

Following discussion, the Board entered a motion to DEFER this item to the Board's next meeting which resulted as follows:

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

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

H. TODAY'S HEARINGS

H.1

Hearing of appeal on behalf of Teresa Borkowski, Police Sergeant, relative to her 10-hour suspension, effective April 4, 2006.

The Board entered into the scheduled appeal hearing on behalf of Sgt. Teresa Borkowski.

Diana Vizcaino, Assistant City Attorney, represented the Department.

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

The Rule of Witnesses was invoked and witnesses were instructed not to discuss their testimony with one another.

Chairman de la O called for the presentation of opening statements by both attorneys.

ACA Vizcaino presented opening statements and Attorney Rind reserved opening statements.

All witnesses were sworn in individually. Witnesses for the Department appeared in the following order:

1. Sergio Diez, Sergeant, City of Miami, Department of Police.

Questions were posed by Board Members Scarola, Angel-Capo, Cruz, and de la O during the testimony of witness Sergio Diez.

2. Judith Bezark, Lieutenant (retired), City of Miami, Department of Police.

Questions were posed by Board Member de la O during the testimony of witness Judith Bezark.

The Department rested its case.

Attorney Rind presented opening statements and afterwards called witnesses to testify on behalf of the Appellant. Witnesses for the Appellant appeared in the following order:

1. Teresa Borkowski, Sergeant, City of Miami, Department of Police, testified on her own behalf.

Questions were posed by Board Members Dames and Angel-Capo during the testimony of witness Teresa Borkowski.

The Appellant rested her case.

Judith Bezark was recalled as a rebuttal witness on behalf of the department.

The Department rested on rebuttal and the Appellant waived rebuttal.

Following final argument by both attorneys, Member Dames asked Member Scarola if it is a police officer's responsibility to notify his/her immediate supervisor of all vehicular accidents they are involved in.

Member Scarola responded that it was unclear according to the paperwork presented to the Board. He went on to say that there was a time when police personnel were required to call the Complaint Room regarding accidents, but it appeared there had

been some changes. Member Scarola further stated that Sgt. Diez testified that if an injury occurred or if discipline resulted because an accident was ruled preventable, his office would handle all of the paperwork. He stated that at one time it was the immediate supervisor's responsibility to prepare the disciplinary action, but this became the responsibility of the Accident Investigation Unit so it is unclear to say whether the Appellant was required to contact her immediate supervisor.

Chairman de la O stated the question he has is what is the purpose of notifying the commanding officer and that he could see two reasons based upon what the Board discussed today. He went on to say that the first reason would be that the commanding officer wants to know what his/her personnel are doing and if an employee was involved in an accident, it would seem that is something the commanding officer would want to know. Chairman de la O further stated that the second reason would be to start the investigation process. He stated that the way he took Sgt. Diez' testimony, it did not address the first sentence of Departmental Order 11.6.2.1, but it addressed the remainder of it and where there appeared to be a contradiction is who was going to investigate. Chairman de la O went on to say that the provision of Departmental Order 4 seemed to address who should be called in the event of an accident, but he did not take Sgt. Diez' testimony as saying the aspect of notifying your commanding officer had changed. He further stated that if the only reason for notifying a commanding officer is to start [the investigation] process, then perhaps the procedures may have changed, but if the idea is that a commanding officer wants to know whenever one of his/her personnel is involved in an accident, he does not think it has changed. Chairman de la O stated that he has a hard time when there is a clear rule that says you must promptly notify "your" commanding officer and not "a" commanding officer and he does not think he heard Sgt. Diez say that this provision had gone away. Chairman de la O further stated that if the departmental order did not use the word, "promptly" then the issue would have been whether attaching the form to the worksheet was sufficient and the Board could have had that debate, but the departmental order clearly states that you must promptly notify your commanding officer.

Member Scarola stated that something else that is convoluted is that there was a time employees worked for two lieutenants one of which was a NET lieutenant and the other was a Shift lieutenant. He went on to say that while attempts were made to change this course, at times paperwork would end up in various chains.

ACA Vizcaino interjected and reminded Member Scarola that the Board had not heard testimony from the opposing side that such changes were taking place.

Chairman de la O stated that it certainly was not his impression that the Appellant was trying to hide the accident because of the mere fact that she contacted the Accident Investigation Unit to report it so the whole issue with the signal did not make sense to him. He went on to say that on the Appellant's worksheet, he would have normally agreed with the department, but the department's witness testified that an officer was not required to report an accident on his/her worksheet and there was no definition as to what needed to be included on the worksheet although it did indicate (on the form) that officers list accurately and completely all of their activities during their tour of duty, but he now had doubt because of Sgt. Diez' testimony. Chairman de la O further stated that Sgt. Diez' testimony did not get the Appellant off of the hook with regards to letting her commanding officer know about her accident but he does think it gets her off of the hook for the worksheet.

Member Dames asked Member Scarola what he thought about this case.

Special Counsel Everett interjected and stated that she is aware that whenever there is a police matter before the Board, Member Scarola weighs in just as the other Board

Members do whenever it is their respective area of expertise, but the evidence on which the Board is to rely is to come from witness testimony or exhibits that are introduced into evidence. She went on to say that if there are questions that are going to be raised by the Board perhaps other Board Members may be able to answer those questions, but the testimony and evidence comes directly from the [witnesses] or documents introduced.

Chairman de la O stated that the Board's decision must be based on the record.

Following discussion, Member Cruz made a motion to find the Appellant NOT GUILTY of all of the charges and the motion DIED FOR LACK OF A SECOND.

Following the failed motion, the Board entered a motion to find the Appellant NOT GUILTY of Charge #1 - Neglect to Duty - Departmental Order 1.11.6.17.9, which resulted as follows:

Motion by Member Dames, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

The Board entered a motion to find the Appellant GUILTY of Charge #2 - Accident Reports Required - Departmental Order 1.11.6.2.1, which resulted as follows:

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

Aye: Chairperson de la O and Member Dames

No: Member Angel-Capo, Chief Examiner Scarola and Member Cruz

The motion having failed, the Board entered a motion to find the Appellant NOT GUILTY of Charge #2, which resulted as follows:

Motion by Member Cruz, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Member Angel-Capo, Chief Examiner Scarola and Member Cruz

No: Chairperson de la O and Member Dames

The Board entered a motion to find the Appellant NOT GUILTY of Charge #3 - Worksheets - Departmental Order 1.11.6.18.19, which resulted as follows:

Motion by Member Dames, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo and Member Cruz

No: Chief Examiner Scarola

The Department stipulated to striking the charge of Leaving Assigned Sector - Departmental Order 11.2.3.4; therefore, the Board entered a motion to find the Appellant NOT GUILTY of Charge #4 - Civil Service Rule 14.2(e) 2 - Breach of Proper Discipline, which resulted as follows:

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

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

Incompetent/Negligent - Civil Service Rule 14.2(k), which resulted as follows:

Motion by Member Angel-Capo, seconded by Member Cruz, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

H.2

Hearing of appeal on behalf of Teresa Borkowski, Police Sergeant, relative to her 10-hour suspension, effective May 24, 2006.

The Board entered into the scheduled hearing of Sgt. Teresa Borkowski.

Diana Vizcaino, Assistant City Attorney, represented the Department.

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

The Rule of Witnesses was invoked and witnesses were instructed not to discuss their testimony with one another.

Chairman de la O called for the presentation of opening statements by both attorneys.

ACA Vizcaino waived opening statements and Attorney Rind reserved opening statements.

All witnesses was sworn in individually. Witnesses for the Department appeared in the following order:

- 1. Racquel Hicks, Police Officer, City of Miami, Department of Police.*
- 2. Jorge Gomez, Police Major, City of Miami, Department of Police.*

Questions were posed by Board Members Cruz, Scarola, and Angel-Capo during the testimony of witness Jorge Gomez.

- 3. Judith Bezark, Lieutenant (retired), City of Miami, Department of Police.*

Questions were posed by Board Members de la O, Dames, and Angel-Capo during the testimony of witness Judith Bezark.

The Department rested its case.

Attorney Rind presented opening statements and afterwards called witnesses to testify on behalf of the Appellant. Witnesses for the Appellant appeared in the following order:

- 1. Teresa Borkowski, Police Sergeant, City of Miami, testified on her own behalf.*

The Appellant rested her case.

Following final argument by both attorneys on the fact-finding portion of Sgt. Borkowski's appeal hearing, the Board entered a motion of NOT GUILTY of all of the charges.

Under discussion, Chairman de la O stated that he would agree with both attorneys that this is a case of "she said-she said" and he would disagree with Attorney Rind because he does not believe you can believe both Lt. Bezark and the Appellant [equally] rather you would have to select which is more credible since what each was saying is diametrically opposite in terms of what happened, and that it would be a cop-out to say

they both were telling the truth and go with the preponderance of the evidence and the burden of proof. He went on to say that Attorney Rind was right that in the event of a tie, the burden of proof would require the Board to find in favor of the Appellant; however, as he did the credibility analysis, he thought it pointed to the Appellant being more credible than the lieutenant. Chairman de la O further stated that it started with a contradiction between [Lt. Bezark's] Departmental Disciplinary Review Board (DDRB) testimony and the testimony today where the Board heard on the DDRB tape, that the lieutenant said there was an arrangement that after the meeting on NW 7th Avenue and 22 Street that the key would be returned, and the Appellant would remove her things from the office, and today she told the Board that there was no such arrangement. He stated that he thought the testimony at the DDRB was rather clear.

Chairman de la O stated that he was very surprised that the lieutenant would tell the Appellant not to see the commander (Gomez) and that he was doubly surprised when the lieutenant told Commander Gomez that she would appreciate it if he did not speak to the Appellant because in his opinion, it seemed like something a junior high student would do and it seemed to be contrary to the rules about being able to go through the chain of command in particular when it was not the lieutenant's order, but the Commander's order. He went on to say that Lt. Bezark indicated that she was the messenger and yet somehow she did not want the Appellant to contact the Commander who actually gave the message (that the Appellant give up the key to the office). Chairman de la O further stated that he was impressed with the fact that the Appellant's memo was written the next day (as to her encounter with the lieutenant) and before the reprimand was issued. He stated that he agreed with Member Cruz that the worksheet comported with not just the Appellant's testimony that she immediately cleaned and removed her things from the office, but that after the confrontation with the lieutenant she would immediately clean out her office led him to believe that the Appellant would not have said that she was not going to remove her things. Chairman de la O went on to say that even if the Appellant had been insubordinate, he would have expected her at some point in the day to clean out the office, but by her going directly to clean the office said to him that is exactly what was agreed to at the scene and even if she did not like it, she agreed to do it. He further stated that the evidence that was presented showed a substantial likelihood of bias on behalf of the lieutenant against the Appellant as a result of the testimony made by Sgt. Reginald Kinchen (in a different case), which was not rebutted. He further stated that the department's attorney could have certainly put the lieutenant and Commander Gomez back on the stand to contradict the testimony and any of the memos, but it was not done. Chairman de la O went on to say that when Commander Gomez testified, he stated that his order was about vacating the office and he did not care about the key, which he thought really hurt Lt. Bezark's credibility so if there was a credibility tie, he would have broken it in favor of the Appellant and found her not guilty of all of the charges.

Following discussion, the motion on the floor to find the Appellant NOT GUILTY of all of the charges resulted as follows:

Motion by Member Cruz, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

H.3

Hearing of appeal on behalf of Jeannie Martinez, Typist Clerk III, relative to her 8-hour suspension, effective September 10, 2008.

The Executive Secretary informed the Board that she received an e-mail from Attorney Rind requesting to continue her client's hearing.

Attorney Rind stated that she would ask that the continuances be charged to the Board if it does not have sufficient time to hear the cases of Jeannie Martinez (Item H.3) and Maurice Brighthaupt (Item H.4).

Chairman de la O asked for the department's position regarding the continuance request and ACA Vizcaino stated that she had no objection.

Special Counsel Everett asked if there were any witnesses scheduled to testify in these hearings.

ACA Vizcaino responded that she did not have any witnesses present for Maurice Brighthaupt's hearing based upon the continuance request.

Special Counsel Everett stated that she thought it would be appropriate to continue the hearings at the request of the employee.

Following discussion, Member Dames made a motion, which was seconded by Member Angel-Capo to charge the continuance to the Board in the cases of Jeannie Martinez and Maurice Brighthaupt if the Board did not have sufficient time to hear the cases.

Chairman de la O stated that the Board would not have sufficient time to hear both cases. The Board entered a motion for a Board CONTINUANCE which resulted as follows:

Motion by Member Dames, seconded by Member Angel-Capo, that this matter be CONTINUED. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

H.4

Hearing of appeal on behalf of Maurice Brighthaupt, Fire Fighter, relative to his 24-hour suspension, effective November 19, 2008.

The Board took no action on this case because a continuance was granted at today's meeting and charged to the Board. (See Item H.3 for details)

CONTINUED

ADJOURNMENT:

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

Motion by Member Cruz, seconded by Member Angel-Capo, to APPROVE. PASSED by the following vote.

Aye: Chairperson de la O, Member Dames, Member Angel-Capo, Chief Examiner Scarola and Member Cruz

The meeting adjourned at 5:55 p.m. Breaks were taken at 10:30-10:43 a.m.; 11:50 a.m.-12:07 p.m.; 12:49-1:52 p.m. (LUNCH); 2:23-2:26 p.m.; 2:49-3:01 p.m.; and 4:10-4:18 p.m.

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary