

Health & Hospitals Corp. (Elmhurst Hospital Ctr.) v. Polepalle

OATH Index No. 142/13 (Nov. 20, 2012)

Petitioner's evidence established that respondent sexually harassed two female co-workers by forcibly grabbing one from behind and pressing himself against her, and kissed another employee three times. Termination of employment recommended.

**NEW YORK CITY OFFICE OF
ADMINISTRATIVE TRIALS AND HEARINGS**

In the Matter of
**HEALTH AND HOSPITALS CORPORATION
(ELMHURST HOSPITAL CENTER)**

Petitioner

-against-

ANANDARO POLEPALLE

Respondent

REPORT AND RECOMMENDATION

JOHN B. SPOONER, *Administrative Law Judge*

This disciplinary proceeding was referred by petitioner, the New York City Health and Hospitals Corporation, Queens Health Network - Elmhurst Hospital Center ("Elmhurst"), pursuant to section 7.5 of the Personnel Rules and Regulations of the Corporation. The Corporation charged that respondent Anandaro Polepalle, a pharmacy technician, engaged in unbecoming conduct when, in violation of petitioner's rules and its policy against sexual harassment: (1) on February 14, 2012;¹ he kissed an employee three times and (2) on April 10, 2012, he inappropriately grabbed another employee from behind by her waist, grabbed her left arm and pressed himself against her.

At a hearing before me on September 17 and 18, 2012, petitioner presented the testimony of complainant DP,² Natalia Conov, Robert Fonseca, and Michael Alonso, all Elmhurst

¹ The original petition charged that the incident occurred on February 12, 2012. At petitioner's request, the charge was amended to February 14, 2012, without objection (Tr. 7).

² Due to the nature of the allegations and to allay any fears of the complainant regarding privacy and confidentiality, her initials have been used in lieu of her full name because this report will be published on the internet. See 48 RCNY § 1-49(a) (Lexis 2012); *Dep't of Education v. Brust*, OATH Index No. 2280/07 at 2 n.1 (Sept. 29, 2008),

employees. Petitioner also submitted documentary evidence. Respondent appeared with counsel and testified with the aid of a Telugu translator. Julio Villatoro, respondent's union representative, also appeared as his character witness. I held the record open until September 20, 2012, for petitioner to provide additional documentary evidence.

For the following reasons, the charges against respondent are sustained. Accordingly, I recommend termination of respondent's employment with Elmhurst Hospital.

ANALYSIS

The charges concern respondent's interactions with two female co-workers while he was carrying out his duties as a pharmacy technician. The nature of those duties was explained by Ms. Conov, the Assistant Director of Pharmacy at Elmhurst (Tr. 68-69). She testified that monthly spot checks in the form of floor inspections are conducted by the pharmacy technicians to ensure that the medication rooms are locked; verify the temperature of the refrigerator; ensure that internal medications are stored separately from the external ones; and check that the refrigerator is locked. They also check that the narcotics cabinets are locked; review the logs; and check that there are alerts posted for look-alike, sound-alike, high-risk, and high-alert medications. Technicians are required to document their findings on a floor inspection form, which must be signed by the technician and a nurse on the floor (Tr. 72-74). Where criteria are not satisfied, the technician must make a notation under the appropriate category on the inspection form (Tr. 74-75, 82; Pet. Ex. 10). In 2012, respondent was the sole pharmacy technician making floor inspections (Tr. 75-76, 83).

The charges against respondent are based on his alleged conduct during two of his assigned floor inspections, on April 10, 2012, and February 14, 2012. The proof as to the April incident was more extensive and will be discussed first.

Incident of April 10, 2012

DP, a Level IV clerical supervisor in the ophthalmology clinic, testified that approximately twice per month, respondent conducted prescription audits in the ophthalmology clinic by reviewing the prescriptions trays and records in the clinic's 10 rooms (Tr. 20-22, 25,

adopted, Chancellor's Decision (Oct. 22, 2008) (citing Executive Order No. 41, ALJ redacts name of complaining witness).

52). On April 10, 2012, during one such audit, DP and respondent were in the last room at around 9:20 a.m., when he told her about errors that she had made in the log book. DP testified that she had written prescription numbers on the wrong page in the log. She asked respondent whether she would be in trouble because of those mistakes and he told her that she would be. She testified that, as she walked away and was about to exit the enclosed room, respondent grabbed her arm from behind with both hands. There was no room between her body and his, he was “in [her] behind” and she “felt that [respondent’s] pene (sic) was hard . . .” (Tr. 23-27, 31). DP demonstrated how she pushed respondent away, moving her elbows backwards to do so. Respondent moved forward and grabbed her again, this time from the front. She pushed him away again and walked out of the room (Tr. 26, 32-34).

When she left the exam room, DP walked to the front of the clinic with the prescription logs to attend a daily status meeting. Respondent walked beside her but she was silent because she felt “bad” and was trying to decide what to do (Tr. 34-36). She stopped by the front desk where she left the log books. At the meeting, people asked her why she was so quiet. She became upset, went to the bathroom next to the meeting room, and started to cry (Tr. 37). One of the managers, Ms. Hastings, who was also in the bathroom, asked what was wrong and DP told her what respondent had done. Ms. Hastings advised her to report the incident (Tr. 38). Others from the meeting, including DP’s supervisor, Mr. Mendez, came to her in the bathroom and told her to report the incident. Someone summoned hospital police who took a written statement from DP and took photos of a bruise on her left forearm and a scratch on her hand (DP: Tr. 39-46, 54-55, 57-58; Fonseca: Tr. 92-97; Pet. Exs. 1-4). In her statement, DP wrote that respondent “grabbed [her] from behind. He grabbed [her] again by the front. [She] pushed him and at the end [she] open (sic) the door and left” (Pet. Ex. 1). She testified that she considered pressing criminal charges against respondent but declined to do so because “he didn’t penetrate [her].” Instead, she went to Human Resources because she wanted to teach him a lesson that what he did was not right (DP: Tr. 46-47, 60-61; Fonseca: Tr. 99).

Following the incident with respondent, DP received counseling from a therapist two to three times per week for about a month or two, as confirmed by a memo from a social worker submitted after the hearing (Tr. 49, 61, 65; Pet. Ex. 15).

Officer Fonseca was on duty on April 10, 2012, and responded to a radio call from the dispatch officer regarding an “altercation between employees” in the eye clinic (Tr. 92-93).

When he arrived at the clinic, the hospital director, the hospital police director, and another officer were already present. On orders from the director, Officer Fonseca took a statement from DP and observed injuries as depicted in the photos (Tr. 93-96). Three photos (Pet. Exs. 2-4) were taken by another officer on his cell phone (Fonseca: Tr. 96; Alonso: Tr. 134). The photos show a bruise on DP's left upper arm and a scratch on her left hand. Officer Fonseca testified that during his interview of DP, "she looked and appeared a bit concerned, a little bit scared. Eyes really wide open and kind of confused as to what was going on and nervous" (Tr. 95-98). Soon after, he wrote an incident report which, in part, contained the following statement: "Upon initial contact with employee Anandarao Polepalle, said employee made a spontaneous utterance stating 'This is about H-2. I just came from there.'" According to Officer Fonseca, he did not hear respondent make this statement but he learned about it from his supervisors at the scene (Tr. 99; Pet. Ex. 11).

Detective Alonso testified that, at around 9:15 or 9:20 a.m. on April 10, 2012, he was in the Hospital Administration Office when he, too, received a call about an incident involving "possible forcible touching." Prior to that date, he did not know either DP or respondent. He went to clinic and saw DP, who was very upset and crying and had injuries on her hand and forearm, which she asserted were inflicted by respondent (Tr. 120-22, 135). Detective Alonso stated that DP initially wanted to press criminal charges against respondent, so Detective Alonso, his supervisor, Mr. Hristoff, and Sergeant Valentin walked to the basement pharmacy in search of respondent. A pharmacy supervisor contacted respondent, who reported to the pharmacy. The officers gave him Miranda warnings and informed of the allegations against him. Respondent admitted to being in a room with DP but otherwise denied the allegations (Tr. 123-24, 135). Because of the injuries that they observed on DP, Detective Alonso and Sergeant Valentin arrested and handcuffed respondent and led him away to the police sergeant's office to await Mr. Hristoff. The detective returned to the clinic to speak with DP, but she changed her mind about pressing charges. Mr. Hristoff therefore instructed Detective Alonso to void the arrest,³ and respondent was released from custody and turned over to hospital administration for further action by them (Tr. 124-25, 136-38).

³ During cross-examination, Detective Alonso explained that he is unable to process an arrest unless the victim wants to press criminal charges (Tr. 139-40, 142).

Afterwards, Detective Alonso took a written statement from DP's supervisor, Ms. Hastings. In the statement, Ms. Hastings wrote that she found DP in the bathroom, crying hysterically. DP said, "The guy who checked the prescription, he grabed (sic) me, he grabed (sic) me. I feel so embarrassed" (Pet. Ex. 12).

On April 11, 2012, Detective Alonso conducted a follow-up interview with DP. During this interview, DP told the detective that respondent had also sexually harassed two Asian nurses (DP: Tr. 47-48; Alonso: Tr. 127-28). Detective Alonso issued a final report on April 16, 2012, of his investigation into respondent's alleged misconduct. In it, he concluded that there was reason to believe that respondent in fact assaulted and forcibly touched DP (Tr. 132-33; Pet. Ex. 14).

Respondent has been a pharmacy technician at Elmhurst for 11 years. He testified that for four years he has conducted floor inspections throughout the hospital (Tr. 146-48). During an inspection, respondent checks prescriptions which he must retrieve from printers in the eye clinic (Tr. 162-63). Someone with a key to the printer must give him access (Tr. 150-51). At the eye clinic, he usually spoke with DP, who would accompany him on his monthly inspections of the eye clinic (Tr. 150, 164).

He recalled that on April 10, 2012, he met with DP for his first inspection of the day (Tr. 148-49). DP opened the printers in several exam rooms and accompanied respondent in each room during his inspection. Respondent testified that when he compared the prescriptions from the printers with the log books, there were two errors in one room, three in another, and four in a third, for a total of nine inaccuracies in three rooms. In H231, the prescription numbers that he obtained from the printer had not been entered into the log book, as they should have. He brought it to DP's attention and she asked him if there would be problems, to which he replied that such mistakes would result in problems (Tr. 150-52, 162-65).

Respondent testified that he left H231 and went to two other rooms, where he conducted other inspections of medications. He then received a call to report to the director's office (Tr. 154-56). Respondent indicated that when he did so, events unfolded quickly. First, he was told that police were "looking at things," then officers arrived. When he identified himself, they asked him about what he had done to "that lady." He insisted, "I have no idea even till today who it is" (Tr. 157). Nevertheless, the officers handcuffed him and led him away (Tr. 157-58).

Respondent denied touching or grabbing DP, and initially insisted that DP's testimony was entirely false (Tr. 155, 164-66).

Despite the errors on the log books, on his inspection form for the April 10 inspection of the eye clinic, respondent checked "Satisfactory (meets standard)" under "Overall Rating," and checked "Y" to indicate that the prescription serial numbers matched the log book (Tr. 170-74; Pet. Ex. 8). He explained these ratings by noting that the errors that he discovered in the three rooms were omissions from the log book. When he told DP that there were prescriptions without corresponding entries in the log book, she added the numbers to the log book in his presence. Thus, at the time he was preparing the inspection form nothing appeared irregular (Tr. 172, 178, 182-84). Respondent insisted that he had nonetheless informed his supervisor of DP's mistakes. He denied that he had ever seen the written procedure for pharmacy technicians, even though he was aware that any omissions should be documented on the inspection form (Tr. 175-77; Pet. Ex. 10).

About 10 days after the incident with DP, Mr. Villatoro, a service aide and respondent's union representative, wrote a letter in support of respondent. The letter stated that respondent is "a good moral person" who is "very respectful, polite and a quiet individual" as well as "a devout religious person." Mr. Villatoro obtained about 250 signatures of respondent's co-workers (Tr. 185-88; Resp. Ex. A). Mr. Villatoro testified that the co-workers who signed the letter were concerned about respondent and wanted to show their solidarity and help him because they could face "any kind of accusation at any given moment" (Tr. 188).

Resolution of these charges rests upon an evaluation of witness credibility. To determine credibility, this tribunal has considered such factors as witness demeanor, consistency of a witness's testimony, supporting or corroborating evidence, witness motivation, bias or prejudice, and the degree to which a witness's testimony comports with common sense and human experience. *Dep't of Sanitation v. Menzies*, OATH Index No. 678/98 at 2-3 (Feb. 5, 1998), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 98-101-A (Sept. 9, 1998). At the hearing, I was persuaded by the detail provided in DP's testimony and the emotion displayed that her experience with respondent on April 10, 2012, had been a harrowing ordeal. The photographs of her hand and arm taken by Officer Morales depicted fresh bruises, which is consistent with her testimony that respondent grabbed her with considerable force. DP's co-workers also confirmed

her distress immediately after the experience, distress that evolved into the hysteria that Ms. Hastings observed in the bathroom.

Though DP and respondent had different versions as to the extent of DP's mistakes,⁴ they both acknowledged that DP had made errors. Respondent's counsel's suggestion that DP fabricated her allegations of sexual harassment out of fear that respondent might report her errors made little sense. In fact, she admitted that she had made errors on the log which respondent pointed out to her. It is true that DP did not provide the level of graphic detail in her statements to the hospital police as to respondent rubbing his penis against her that she gave at the hearing. However, it is not uncommon for victims of sexual harassment to be so embarrassed and humiliated by episodes of sexual abuse by co-workers that they find it difficult to share all of the details of the harassment. The corroborating statements of Ms. Hastings and Detective Alonso that DP was nearly hysterical following the incident is more consistent with a victim who has been harassed than a worker trying to evade responsibility for errors in filling out a form.

I find respondent's testimony to be less credible than DP's. Respondent admitted that mistakes needed to be reported, but offered no plausible explanation as to why he omitted any mention of DP's errors on the inspection form. His insistence that he could not report her failure to enter the information because she corrected the omissions in his presence made little sense. It appeared more likely that respondent issued a favorable report either to curry favor with DP or to seek atonement for his bad behavior, hoping DP would not report him.

In sum, I find that the credible evidence establishes that respondent inappropriately grabbed DP by her waist and left arm and pressed his lower body against her.

Petitioner's Code of Behavior and Conduct provides that employees should behave in a manner that will not cause embarrassment to or criticism of themselves or the Network (Pet. Ex. 5). Health & Hospitals Corp. Code of Behavior & Conduct, § 5.1 (eff. Feb. 5, 2004). Petitioner also has a corporation-wide policy that prohibits sexual harassment, which it defines as unwelcome sexual advances, and sets forth the procedure for a complainant to follow (Pet. Ex. 6). In addition, Elmhurst has a facility-specific Code of Behavior which defines sexual harassment as unacceptable and disruptive behavior (Tr. 81; Pet. Ex. 9). Respondent's forcible touching of DP, done without her invitation or consent, constituted sexual harassment in

⁴ DP testified that she had written the prescription numbers on the wrong page in the log book (Tr. 23). Respondent testified that the numbers were wrong, and that she had neglected to write numbers in the log book (Tr. 151-52, 169).

violation of Petitioner's Code of Behavior and Conduct and its policy against sexual harassment. Specifications 2 and 3, alleging that respondent sexually harassed DP by grabbing her and pressing himself against her should be sustained.

Incident of February 14, 2012

The first specification alleges that, on February 14, 2012, respondent kissed a co-worker three times without permission. This complaint came to light only during the investigation of DP's complaint, as explained above. On April 11, 2012, after learning from DP about a prior allegation of improper conduct against respondent, Detective Alonso and Mr. Hristoff interviewed a nursing supervisor who provided them with the names of the two Asian nurses who worked on the floor. They returned the following day and attempted to interview two nurses. One of the nurses refused to give a statement. In her words, "she didn't want to be viewed as a victim, and she didn't want to give her name or give a statement" (Tr. 131).

The other nurse, SK, whose full name is not being disclosed for the reasons mentioned above concerning DP, told the police about an encounter with respondent in February 2012 (Tr. 128-29). According to SK's written statement (Pet. Ex. 13),⁵ on February 14, 2012, respondent was in SK's area to check on expired "meds." When he was done, SK said goodbye to him and went to her computer. Respondent approached, kissed her on the cheek and wished her a "Happy Valentine's Day." She thought he was just being friendly so she said goodbye again. Shortly after, he attempted to kiss her again, this time, closer to her lips. She felt uncomfortable but decided to let it slide since she had to work with him. He returned a third time, and kissed her again, even closer to her lips. She pushed him away and asked what he was doing. He replied "You don't like me?" and he left when SK asked him what he wanted (Tr. 129; Pet. Ex. 13).

Respondent admitted that he performed a floor inspection in the Hope Pavillion on February 14, 2012, and completed and signed an inspection form which was also signed by SK (Conov: Tr. 76-78; Polepalle: Tr. 179-81; Pet. Ex. 7). He denied, however, knowing SK, and that he kissed any nurse while on duty. He claimed that even though a nurse must sign the inspection form, he pays no attention to it "as long as there's a signature" (Tr. 158, 179-81).

⁵ Respondent objected to the hearsay statement because it was undated, but Detective Alonso, who signed the document, recalled that he took it on April 12, 2012, after DP's incident with respondent (Tr. 129-31).

Hearsay is generally admissible in administrative proceedings and may form the sole basis for a finding of fact. *See* Charter § 1046(c)(1) (Lexis 2012); 48 RCNY § 1-46 (Lexis 2012); *Gray v. Adduci*, 73 N.Y.2d 741, 742 (1988); *People ex. rel. Vega v. Smith*, 66 N.Y.2d 130, 139 (1985); *Dep't of Correction v. Jackson*, OATH Index No. 134/04 at 4-5 (May 5, 2004), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 05-67-SA (Sept. 14, 2005); *Police Dep't v. Ayala*, OATH Index No. 401/88 (Aug. 11, 1989), *aff'd sub nom., Ayala v. Ward*, 170 A.D.2d 235 (1st Dep't 1991). However, hearsay must have probative value and bear some indicia of reliability in order to be given significant weight. *See Dep't of Housing Preservation & Development v. Davron*, OATH Index No. 1533/11 at 16 (Dec. 21, 2011).

“To determine the probative value and reliability of hearsay evidence admissible in administrative hearings, courts and this tribunal have relied on a variety of factors, including the identity of the hearsay declarant, the availability of the declarant to testify, the declarant's personal knowledge of the facts, the independence or bias of the declarant, the detail and range of the hearsay, whether the statements were oral or written, signed and sworn or unsworn, the degree to which the hearsay is corroborated, the centrality of the hearsay evidence to the agency's case, and the magnitude of the administrative burden should the hearsay be excluded.” *Dep't of Environmental Protection v. Cortese*, OATH Index No. 1613/06 at 7 (Sept. 12, 2006). “The more central the hearsay is to the agency's case, the more serious the question of basic fairness and the more critical the question of reliability may become.” *Human Resources Admin. v. Green*, OATH Index No. 3347/09 at 9 (Nov. 18, 2009) (quoting *Calhoun v. Bailar*, 626 F.2d 145, 150 (9th Cir. 1980)).

In cases where a charge is based primarily on a written or oral complaint, such hearsay has been deemed sufficiently reliable if the proponent of the hearsay has laid a foundation for the statement, the statement is detailed and corroborated, and it has been established that the complainant is unavailable to testify. *See, e.g., Green*, OATH 3347/09 at 10 (letter of complaint sufficient where it offered a detailed description of the complainant's interaction with the respondent, petitioner established that the complainant was unavailable to testify, and another witness testified about her conversations with the complainant when the complaint was received); *Dep't of Environmental Protection v. Ginty*, OATH Index No. 1627/07 at 16, 20 (Aug. 10, 2007) (signed statement by complainant, authenticated by captain's testimony at the hearing and corroborated by the statements another witness gave to DOI, sufficient where complainant

did not appear for the hearing and witness did not respond to subpoena); *Human Resources Admin. v. Rosier*, OATH Index No. 1951/04 at 12 (Mar. 31, 2005) (sustaining charges of discourtesy based on complainants' detailed statements about the interaction where supervisor who received the complaint testified and the statements were corroborated by phone log); *Dep't of Correction v. Woodson*, OATH Index Nos. 603/04 & 597/04 at 2, 7 (July 1, 2004) (charges of excessive force sustained based upon hearsay statements of inmates, corroborated by independent medical records which were consistent with the hearsay statements).

Here, SK was unavailable to testify at the hearing because she was apparently no longer residing in the United States (Tr. 131). Detective Alonso gave a sufficient foundation for SK's statement, indicating how and when he obtained it. The statement was corroborated by respondent's admissions and by his inspection report, which confirmed that he was at the Hope Pavillion on the date of the incident. The weight of the statement was not diminished by the absence of a date, since the detective credibly testified as to when the statement was written. *Police Dep't v. Green*, OATH Index No. 1326/11, mem. dec. at 5-6 (Jan. 4, 2011) (admitting criminal court complaint that was unsigned and undated); *Police Dep't v. Outlaw*, OATH Index No. 1181/08, mem. dec. at 4 (Apr. 29, 2008) (admitting affidavit that was unsigned and undated where an acceptable foundation was laid by petitioner); *Dep't of Correction v. Harrington*, OATH Index No. 666/93 at 5 (July 20, 1993) (inmate's statements admitted even though unsworn and incomplete).

I found respondent's denial of knowing SK to be implausible given that there appeared to be only two Asian nurses in the Hope Pavillion, and that it was undisputed that he visited her clinic regularly (Pet. Ex. 13). Moreover, respondent advanced no reason why SK would fabricate such a charge against him, and I found no reason to discredit her statement or Detective Alonso's testimony. Based upon SK's detailed and highly believable written statement, corroborated by the inspection report, I find that on February 14, 2012, respondent kissed SK three times. His inappropriate behavior towards SK constituted sexual harassment in violation of petitioner's Code of Behavior and Conduct, and its policy against sexual harassment, as noted above.

FINDINGS AND CONCLUSIONS

1. Specification 1 should be sustained in that, on February 14, 2012, respondent kissed a female co-worker three times, without invitation or permission, in violation of petitioner's policy against sexual harassment and its Code of Behavior and Conduct.
2. Specifications 2 and 3 should be sustained in that, on April 10, 2012, respondent forcibly grabbed a female co-worker and pressed himself against her, without invitation or permission, in violation of petitioner's policy against sexual harassment and its Code of Behavior and Conduct.

RECOMMENDATION

Upon making the above findings, I requested and received a summary of respondent's personnel record. Respondent was hired in March 2001, and has no prior discipline. For the last five employee evaluations, respondent received a rating of "satisfactory." In connection with the current charges, he served a 30-day pre-hearing suspension without pay. He remains suspended but is on pay status.

Respondent has been found guilty of violating petitioner's policy on sexual harassment and its Code of Behavior and Conduct on at least two separate occasions. For that, petitioner seeks respondent's termination.

While the signed statement from respondent's co-workers indicates that respondent is well-regarded by his colleagues, who took the time to affix their signatures to a character reference drafted by his union representative, neither that nor his unblemished record can provide sufficient mitigation for respondent to keep his job after the misconduct proven here.

Employees are entitled to a work environment where they will not be subjected to abuse and harassment. *See Human Resources Admin. v. Reaves-Cain*, OATH Index No. 1718/07 at 13 (Nov. 14, 2007). In particular, sexual harassment in the workplace has been viewed as particularly offensive and demeaning. *See Dep't of Education v. Brust*, OATH Index No. 2280/07 at 81 (Sept. 29, 2008), *adopted*, Chancellor's Dec. (Oct. 22, 2008) (sexual harassment in the workplace described as "among the most offensive and demeaning torments an employee can undergo"). Thus, a single instance of sexual harassment may lead to dismissal of the offender, even one with a clean disciplinary history, such as respondent's. *See, e.g., Dep't of Correction v.*

Rupnarine, OATH Index No. 522/89 (July 21, 1989), *aff'd*, 169 A.D.2d 545 (1st Dep't 1991) (single instance of masturbating in front of a colleague and two inmates sufficient grounds for termination of employment).

Here, petitioner proved that respondent sexually harassed at least two employees, one of whom did not report respondent's conduct until the later incident was being investigated. Respondent's job as the sole pharmacy technician who conducted floor inspections took him to different buildings throughout the hospital and placed him in close contact with female co-workers. The evidence here established that respondent exploited these contacts to make sexual advances. In fact, there was testimony by the investigating officer, Detective Alonso, that there was at least one other incident that went unreported, where the victim refused to file a complaint. As an employer, petitioner must ensure that its employees are protected from such misconduct.

Accordingly, I find termination of respondent's employment to be appropriate, and I so recommend. *See Reaves-Cain*, OATH 1718/07 at 15.

John B. Spooner
Administrative Law Judge

November 20, 2012

SUBMITTED TO:

CHRIS CONSTANTINO
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