

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL RIGHTS

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November 22, 2010

Start: 10:16 am

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HELD AT: Committee Room  
250 Broadway, 14th Floor

B E F O R E:  
DEBORAH L. ROSE  
Chairperson

COUNCIL MEMBERS:  
Deborah L. Rose  
Larry B. Seabrook  
Julissa Ferreras  
Margaret S. Chin

## A P P E A R A N C E S

Clifford Mulqueen  
Deputy Commissioner/General Counsel  
NYC Commission on Human Rights

Dr. Lee Hudson  
Deputy Commissioner  
Community Relations Bureau  
NYC Commission on Human Rights

Carlos Velez  
Executive Director  
Law Enforcement Bureau  
NYC Commission on Human Rights

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CHAIRPERSON ROSE: Good morning.

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Before I begin my statement, I would like to

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express my sincerest wishes and thanks to the

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Commissioner for all that she and the commission

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did, and the education group did in Staten Island

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with our issue around hate crimes and violence

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against protected classes. Her work was

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phenomenal. She was very helpful. In fact, they

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even created some posters that we were able to get

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into the schools. So I really would like to be

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able to make sure she knows how grateful I am for

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the work that the commission did on Staten Island.

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CLIFFORD MULQUEEN: We'll let her

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know, and I'm sure she'll appreciate it.

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CHAIRPERSON ROSE: Thank you. Good

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morning. My name is Debi Rose and I'm the chair

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of the Committee on Civil Rights. Today, we are

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holding our first hearing on Introductory Bill

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396, a Local Law to amend the Administrative Code

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of the City of New York in relation to the powers

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and duties of the Commission on Human Rights.

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I'd like to begin by thanking

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everyone for attending today's hearing and by

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acknowledging my colleagues at the dais with me:

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2 Council Member Chin. I'd like to thank Damien  
3 Butvick and Julene Beckford for the work that they  
4 did in assisting with this hearing today.

5           The New York City Human Rights Law  
6 is one of the most expansive human rights laws in  
7 the country, prohibiting discrimination in  
8 employment, housing and public accommodation on  
9 the basis of age, race, creed, color, national  
10 origin, gender, disability, marital status  
11 partnership status and sexual orientation. The  
12 law also prohibits discrimination in employment on  
13 the basis of one's arrest or conviction record or  
14 one's status as a victim of domestic violence,  
15 stalking and sex offenses; and in housing, on the  
16 basis of lawful occupation, family status or  
17 lawful source of income.

18           The commission enforces the Human  
19 Rights Law through its Law Enforcement and  
20 Community Relations Bureaus. Specifically, the  
21 Law Enforcement Bureau is responsible for  
22 receiving and investigating complaints of unlawful  
23 discrimination and when warranted, mediating a  
24 resolution or prosecuting the complaint. The  
25 Community Relations Bureau acts as the outreach

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2 arm of the commission, offering education,  
3 training and advocacy services through its  
4 community service centers.

5 By law, the commission is required  
6 to submit annual reports to the Mayor and the City  
7 Council concerning its efforts to enforce the  
8 Human Rights Law. The Administrative Code,  
9 however, does not specify the type of information  
10 that should be included in the report. So these  
11 decisions are largely left to the discretion of  
12 the commission.

13 The most recent reports have given  
14 information on the commission's powers and duties,  
15 examples of its work, its annual budget,  
16 newsworthy information and its educational  
17 programs as well as data in its determinations,  
18 resolutions and cash settlements.

19 The annual report does not include  
20 information on inquiries received by the  
21 commission, indications of patterns of  
22 discrimination or any breakdown of the subject  
23 matter in the cases. Perhaps more importantly,  
24 since the nature of the information disclosed is  
25 not specified by the Administrative Code, it is

1  
2 possible that this information may change from one  
3 year to the next or from one administration to the  
4 next.

5 In light of this, and of the fact  
6 that some advocates have expressed concern that he  
7 commission is not tracking inquiries that lead to  
8 formal complaints, I have introduced the bill we  
9 are hearing today.

10 If passed, Intro 396 would require  
11 the commission to include certain information in  
12 its annual report, including the total number of  
13 inquiries, the subject matter of inquiries, the  
14 status of inquiries, the total number of  
15 complaints filed, the subject matter of  
16 complaints, the action taken by the commission,  
17 the length of time taken to process complaints,  
18 the number of complaints that resulted in the  
19 collection of fines or cash settlements and the  
20 resolution of complaints.

21 The report would also be required  
22 to include information on the commission's  
23 outreach efforts, the number of people with whom  
24 the commission has made contact and the languages  
25 in which the contact of the outreach programs were

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2 conducted. I believe that mandating the  
3 disclosure of this information can be a highly  
4 effective tool in identifying patterns of  
5 discrimination and ultimately preventing  
6 discriminatory practices and policies in the city.

7 With that, I'll conclude my remarks  
8 and open the mike if any of my colleagues might  
9 wish to make a statement. I'd like to acknowledge  
10 Council Member Julissa Ferreras has joined us.  
11 Hearing none, the mike is now yours.

12 CLIFFORD MULQUEEN: Good morning,  
13 Chairperson Rose and members of the committee. My  
14 name is Cliff Mulqueen. I'm the Deputy  
15 Commissioner and General Counsel with the New York  
16 City Commission on Human Rights. Sitting next to  
17 me is Lee Hudson. She's the Deputy Commissioner  
18 in charge of the Community Relations Bureau and  
19 Carlos Velez is the Executive Director of the Law  
20 Enforcement Bureau.

21 Thank you for the opportunity to  
22 testify regarding Intro 396, which proposes  
23 amending the New York City Human Rights Law to  
24 describe the type of information the Commission  
25 would be required to provide in our annual report

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2 to the Mayor and the Council, as well as for  
3 publication in the City Record, pursuant to the  
4 Administrative Code of the City of New York,  
5 Section 8-105(10).

6 Let me begin by saying that the  
7 Commission has no problem with the proposal and  
8 already documents and reports most of the  
9 information required under the amendment,  
10 specifically, the number and type of complaints  
11 filed, the type of determinations and resolutions  
12 reached, settlements and their dollar value. We  
13 also report the amount of fines collected for the  
14 city and the number of decisions and orders.

15 In addition, as the proposed  
16 amendment would require, the Commission annually  
17 reports the efforts of the Community Relations  
18 Bureau, detailing our various programs and  
19 presentations, including the number of  
20 presentations conducted and the number of  
21 individuals reached. With minimal adjustments,  
22 the Commission will be able to quickly meet the  
23 amendment's requirements as they relate to  
24 educational outreach and case tracking.

25 However, another part of the



1  
2 Intro's requirements pose electronic record  
3 management issues that the Commission is currently  
4 in the process of addressing. I refer  
5 specifically to the requested breakdown of  
6 information regarding inquiries from the public.

7 The Commission receives  
8 approximately 6,000 inquiries regarding  
9 discrimination per year, including telephone  
10 calls, letters, emails directly to the Commission,  
11 and those forwarded from 311 or other agencies.

12 The vast majority of these inquiries,  
13 approximately 5,000 a year, are telephone calls.  
14 All these inquiries from the public are logged and  
15 reviewed with a supervisor and the documentation  
16 relating to the inquiries are reviewed by the  
17 Executive Director of the Law Enforcement Bureau  
18 on it monthly basis.

19 If the substance of an inquiry even  
20 vaguely appears to state a claim of  
21 discrimination, the individual is directed to the  
22 Law Enforcement Bureau for an intake interview.  
23 The Commission does approximately 1,600 Intake  
24 interviews per year and it is this interview that  
25 triggers an entry into our current case tracking

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database.

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That means that a large number of interactions between the Commission and the public are not entered into an electronic database capable of the breakout reporting required by the amendment. We do have records of each interaction between the Commission and the public; however, they're in the form of simple databases with only summary capacity, and I refer to letters, emails and other forms and documents that explain the Commission's action. These records were designed for administrative rather than reporting functions. Generating reports describing all inquiries would have to be done manually at this point.

The Commission has long realized the informational and reporting deficiencies that exist with our current case tracking system, one we inherited from previous administrations. The software is so outdated that the company that created it no longer supports it, and there are only three companies, one in Connecticut, one in New Jersey and one in Pennsylvania, with the necessary expertise to assist when problems occur.

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We have used all three of those in the past.

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We have explored several other systems available on 'the market, both individually and as part of it group of agencies. However, the logistics of migrating years worth of data into the new system and the expense of modifying these off the shelf software products for our needs have made these systems financially prohibitive.

In 2004, our Community Relations Bureau began using software, created specifically for the bureau, which chronicled its activities and enabled the Commission to more easily measure, describe and report the impact of those activities. By mid 2005, the Community Relations Bureau went paperless and all of its activities were entered directly into this database.

The Commission envisions a time when the Law Enforcement Bureau can function in much the same way. We began working with programmers last summer to develop upgraded software for our Law Enforcement Bureau that will include a traditional case tracking model and other features that capture information about our

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2 other activities, including the status of all  
3 inquiries. When fully operational, in the summer  
4 of 2011, this database will be capable of  
5 reporting on every interaction the Law Enforcement  
6 Bureau has with the public, enabling full  
7 compliance with the requirements of the proposed  
8 amendment. What we have done is we've asked those  
9 programmers if they can create a database for us  
10 now which we'll start using next year, so we would  
11 probably be able to provide all of this  
12 information more easily. Thank you.

13 CHAIRPERSON ROSE: Thank you,  
14 Commissioner. I'm glad to hear that you're  
15 working on that.

16 CLIFFORD MULQUEEN: We've been  
17 working on it for a while actually.

18 CHAIRPERSON ROSE: Well I'm glad to  
19 see that maybe we'll actually reach its fruition  
20 by 2011. Could you tell me how the commission  
21 determines what information to include in its  
22 annual report?

23 CLIFFORD MULQUEEN: Again, we want  
24 to be informative. We want to not be boring. We  
25 want to highlight things in a way that keeps

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2 people's attention. Just repeating things from  
3 prior reports, people are going to look at the  
4 report and say hey, there's nothing in here I need  
5 to see and there's nothing new, there's nothing  
6 entertaining, there's no information. So we try  
7 to capture people's attention and make sure they  
8 read it. Whatever information will do that,  
9 that's what we do.

10 CHAIRPERSON ROSE: So there is no  
11 specific template that you follow? Whatever seems  
12 to be the most informational at the time?

13 CLIFFORD MULQUEEN: Right. I mean  
14 I think our reports over the past eight years have  
15 been pretty similar in the information that it's  
16 provided. We even relate back to the previous  
17 years when we are providing the information. So  
18 we do have some sort of a template, yes.

19 CHAIRPERSON ROSE: Is it somewhat  
20 based on whoever is in charge at the agency at the  
21 time and therefore it could sort of change from  
22 administration to administration?

23 CLIFFORD MULQUEEN: That's an  
24 accurate statement.

25 CHAIRPERSON ROSE: How do you

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identify patterns of discrimination?

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CLIFFORD MULQUEEN: Again, we have documentation for every interaction that we have with the public. We do have some complaints. Basically, we're a complaint driven agency. So we have information about our complaints in those databases. So we have institutional memory and we have some databases and we do have records of our interactions. So that's how we're able to keep track of what's going on.

CHAIRPERSON ROSE: If you don't track every interaction, then would you say that it's a little difficult to establish patterns?

CLIFFORD MULQUEEN: Again, we do track every interaction and we have records for every interaction, they're just not in a computer database that we can press a button and generate how many complaints happened from here or how many people complained about this. We don't have that with the inquiries that don't result in complaints being filed. We can do that if a complaint has been filed.

CHAIRPERSON ROSE: Right. I should be clear. The complaints that don't generate

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2 further action; you have no real way of finding  
3 out if there is a pattern that's developing? Is  
4 there a trigger that would make you go back to the  
5 complaints that haven't been litigated?

6 CLIFFORD MULQUEEN: If someone  
7 comes to us and they state a claim of  
8 discrimination, we're going to file a complaint on  
9 their behalf. So the only time that we don't file  
10 a complaint is if someone did not state a  
11 complaint of discrimination. So I'm not so sure  
12 of the value of tracking something that isn't  
13 discrimination.

14 CHAIRPERSON ROSE: So what  
15 roadblocks would you say exist to prevent the  
16 commission from better tracking information on  
17 your work?

18 CLIFFORD MULQUEEN: Our major  
19 problems have been economic. Purchasing one of  
20 these databases off the shelf didn't work. We  
21 tried to pool our resources with other agencies  
22 and purchase one large thing for multiple  
23 agencies, but every agency has different needs.  
24 By the time that you rewrite all of that software  
25 for our benefit, it would have been too expensive.

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2 It seems now we're in good shape and we have what  
3 we need to move forward. But all along it's been  
4 money.

5 CHAIRPERSON ROSE: Based on  
6 testimony that you've given in the past and on  
7 your current reporting system, we know that you  
8 track the total number of programs that you  
9 conduct. Do you also track the number of people  
10 that you reach at each program?

11 CLIFFORD MULQUEEN: Absolutely.

12 CHAIRPERSON ROSE: If so, why don't  
13 you include that information in the current  
14 report?

15 CLIFFORD MULQUEEN: We do have that  
16 information in the current report. It's there.  
17 If you look under each program that's listed, we  
18 talk about the number of presentations that we  
19 gave in the given year and the number of people  
20 that we gave those presentations to.

21 CHAIRPERSON ROSE: Do you track the  
22 languages that they're conducted in?

23 CLIFFORD MULQUEEN: We don't. We  
24 can very easily do that and we will do that.

25 CHAIRPERSON ROSE: Does the Law



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Enforcement Bureau track the complaints based on the category of unlawful discriminatory practices?

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CLIFFORD MULQUEEN: We do. If a complaint has been filed, we know what the alleged discrimination or the alleged protected class is.

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CHAIRPERSON ROSE: Is there any particular reason why the information is not included in the annual report?

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CLIFFORD MULQUEEN: If you say it's not, it's not there. I'm not aware that it's not there. There's no real reason why it couldn't be there and it will be there in the future.

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CHAIRPERSON ROSE: Thank you. Do you support this bill?

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CLIFFORD MULQUEEN: Yes, I believe I said so at the outset.

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CHAIRPERSON ROSE: Okay. Do you agree that the provisions are helpful to help in determining patterns of discrimination?

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CLIFFORD MULQUEEN: It would be helpful. It's also helpful to make sure that through different administrations that you're getting the same information that you need.

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CHAIRPERSON ROSE: Do any of my

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2 colleagues have questions? Council Member Chin?

3 COUNCIL MEMBER CHIN: Good morning,  
4 Commissioner.

5 CLIFFORD MULQUEEN: Good morning.

6 COUNCIL MEMBER CHIN: I have a  
7 couple of questions. One is that I know in terms  
8 of the database, did you get any help from the New  
9 York State Commission of Human Rights? I mean, I  
10 assume they also have to track cases and  
11 inquiries. Is there an ability to sort of share  
12 databases?

13 CLIFFORD MULQUEEN: We actually  
14 purchased the database that we have from the State  
15 Division on Human Rights. That was probably some  
16 20 years ago, or 15 years ago. We've spoken to  
17 them about their database. But again, they're a  
18 case tracking type of agency. I don't believe  
19 that their law even requires them to do the  
20 educational outreach and things of that nature  
21 that our law requires us to do. Really, the issue  
22 with the database is tracking those kinds of  
23 activities, the things that don't actually become  
24 complaints of discrimination. So that's what  
25 we're working on creating a database for. I think

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that's pretty unusual for other agencies.

COUNCIL MEMBER CHIN: So in your testimony you talked about that you get about 6,000 inquiries.

CLIFFORD MULQUEEN: Correct.

COUNCIL MEMBER CHIN: You only track the ones that results in an interview.

CLIFFORD MULQUEEN: That's what triggers an entry into a database. That we can just press a button and get a report or get a total. Every other one is tracked. There's either a form that we create that outlines what the facts of the specific inquiry are and what we did with it and why. Or we have a letter that we wrote back to the individual, if they wrote us a letter. Or we have an email, if we received the inquiry via email. So we have those records and we can track them.

I can tell you how many inquiries we got. Obviously, I've told you that. But to tell you how many people came to us from Brooklyn and made an allegation of race discrimination in employment, I would have to go through all 6,000 sheets of paper and their accompanying

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2 documentation and read what the facts were and  
3 then be able to decide this fits and this doesn't.  
4 It would be very time consuming to do that.

5 COUNCIL MEMBER CHIN: So  
6 originally, you never put it in a database. You  
7 just have a paper file.

8 CLIFFORD MULQUEEN: That's correct.

9 COUNCIL MEMBER CHIN: So are you  
10 thinking about in terms with the new database that  
11 you will create or purchase, are you going to go  
12 back and try to include those old records?

13 CLIFFORD MULQUEEN: We can try and  
14 do that. Our focus is going to be at least just  
15 getting everything that's occurring concurrently  
16 into the database. We haven't really discussed  
17 whether we're going to put the old information in  
18 there. We could probably do that. We'll have to  
19 see. Our focus first of all is just going to be  
20 getting it up and running and make sure it works  
21 with the information as it comes in.

22 COUNCIL MEMBER CHIN: It might be  
23 good for an intern project to really put it  
24 together to look at whether there is a pattern of  
25 discrimination that's been occurring for years.

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2 CLIFFORD MULQUEEN: Again, it would  
3 really take someone who's knowledgeable about the  
4 law to read through a summary or a letter and be  
5 able to discern where the violation or multiple  
6 violations are and then enter that information in.  
7 Actually, an intern may not have the knowledge of  
8 the law in order to do that successfully and do it  
9 properly. It's going to take a lot of resources  
10 and a lot of man hours to do that.

11 COUNCIL MEMBER CHIN: I think we're  
12 committed to help the commission get some more  
13 resources. Without the resources you can't really  
14 do what you're mandated to do. We see that there  
15 is a deficiency in the support that the commission  
16 gets.

17 CLIFFORD MULQUEEN: Thank you.

18 COUNCIL MEMBER CHIN: So how can we  
19 ask you to do all these things when you don't get  
20 funded for it. We'll have to work with you and  
21 fight for the resources.

22 CLIFFORD MULQUEEN: Thank you.

23 COUNCIL MEMBER CHIN: Thank you.

24 CHAIRPERSON ROSE: Council Member  
25 Ferreras?

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2 COUNCIL MEMBER FERRERAS: Good  
3 morning and thank you, Madame Chair, for  
4 introducing this legislation. I'm very excited  
5 because usually we don't get such great positive  
6 feedback from that side of the room on a lot of  
7 legislation that's proposed. I'm very happy to  
8 see that you have agreed on a lot of, if not all,  
9 of the proposed legislation.

10 I just wanted you to speak to me,  
11 is there any tracking of the language? I know  
12 that Chair Rose had asked, but if you could speak  
13 in a little more detail about what languages the  
14 calls come in. My question is if someone calls  
15 311 and they express concern and they are sent to  
16 your agency and they have a language barrier,  
17 they're assisted by the translation process of the  
18 city.

19 CLIFFORD MULQUEEN: Correct.

20 COUNCIL MEMBER FERRERAS: Or one of  
21 the translators. Does that then go all the way to  
22 your agency? Is there any tracking of that?

23 CLIFFORD MULQUEEN: We have a  
24 language line that we use to speak with people.  
25 We have about five or six languages that are

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2 spoken within our office. Then we have the  
3 ability to reach out to other agencies to draw on  
4 their language resources. We also hire  
5 interpreters on occasion when the need arises, to  
6 speak with people. I don't know that we have  
7 anywhere in a database what the languages are of  
8 people that come to us. I don't think it's there.  
9 It could very easily be put there. That's not a  
10 big deal.

11 COUNCIL MEMBER FERRERAS: I think  
12 it would help us in further helping you because  
13 then we can maybe identify further resources where  
14 we can say they need more support because these  
15 are the numbers. When we talk about triggers,  
16 that might be a trigger in certain communities and  
17 for certain groups of abuse. So it would help us  
18 help you.

19 Then my other question is if you  
20 could just speak on the timeliness or how getting  
21 you online or getting you the proper technology,  
22 how much time that would minimize. I know that  
23 you speak about having to go through every piece  
24 of paper to look for a trigger. Can you just  
25 think about how long does that take to have to go

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through every piece of paper to find a trigger?

CLIFFORD MULQUEEN: Well, even if we're going to start with 2009, for instance, if there's 6,000 pieces of paper and letters, I mean one inquiry may have five or six documents attached to it. Somebody is going to have to read through all of those documents, figure out what it is that was being alleged and why it is that we did what we did. Then they just have to enter that into a database. We're going to create screens for this purpose. So almost the same thing that someone would create on a piece of paper, they're going to create in the computer. Then the computer would be able to catch that information and track it so that we can report on it.

Again, it should be pretty easy moving forward. If we're going to have to go back through all of this paper and start entering the information in, that could take months, if not a little longer. I don't know for sure.

COUNCIL MEMBER FERRERAS: Madame Chair, does the legislation propose a date to go back to enter data, or is it moving forward?



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2 CHAIRPERSON ROSE: Actually, it  
3 does not indicate going back or how far. That's  
4 something we can look at.

5 COUNCIL MEMBER FERRERAS: Thank you  
6 very much, Commissioner.

7 CLIFFORD MULQUEEN: Thank you.

8 CHAIRPERSON ROSE: I'd like to  
9 acknowledge that Council Member Seabrook has  
10 joined us. Council Member, would you have any  
11 questions? Does this then mean that you're going  
12 to be requesting additional funding in this budget  
13 cycle?

14 CLIFFORD MULQUEEN: I believe we  
15 have the funding necessary to create this database  
16 that I've spoken to you about. So I don't believe  
17 that we would.

18 CHAIRPERSON ROSE: It's really good  
19 that you don't want any money. Will it require  
20 more manpower? Will you need additional staff to  
21 get this online and up and running?

22 CLIFFORD MULQUEEN: No. Again, the  
23 staff that we have that takes these inquiries,  
24 instead of just preparing a document, will enter  
25 that information into the computer. So no, it

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shouldn't take addition staff either.

CHAIRPERSON ROSE: Is the New York City IT Department helping you in any way?

CLIFFORD MULQUEEN: We have dealt with them in the past. They've helped us a lot. I'm not sure that on this particular project they're helping us. I know that they were working with a bunch of city agencies in order to purchase a traditional case tracking type of software. But I think we were pretty far down on the list of agencies that were going to get that.

Again, we've been looking at this for eight years and we've been trying to work a solution to this issue for eight years now. So we're just not waiting any longer.

CHAIRPERSON ROSE: The database that is being created will be able to capture all of the elements that is in our bill.

CLIFFORD MULQUEEN: Yes.

CHAIRPERSON ROSE: Are there any others that you think should be captured that we have not included?

CLIFFORD MULQUEEN: There's a lot of information that we're going to capture.

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2 CHAIRPERSON ROSE: That would help  
3 with the job?

4 CLIFFORD MULQUEEN: I'm not sure  
5 that it should be made into a law that we capture  
6 it, but there will be other information that we  
7 will capture.

8 CHAIRPERSON ROSE: I'm going to ask  
9 later.

10 CLIFFORD MULQUEEN: You have to  
11 find me first.

12 CHAIRPERSON ROSE: I understand you  
13 don't want it on the record, but I'm going to ask  
14 you later. Are there any other questions? Many  
15 of my Council Members, we have a conflicting  
16 hearing. So thank you for coming. Hearing no  
17 other questions, thank you for testifying.

18 CLIFFORD MULQUEEN: Thank you.

19 CHAIRPERSON ROSE: I thank you for  
20 understanding how important it is that this  
21 happens rather quickly and we will be following  
22 up.

23 CLIFFORD MULQUEEN: Thank you.

24 CHAIRPERSON ROSE: Thank you. You  
25 have a treat today. There are no other persons to

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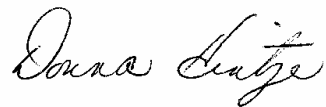
testify, so this meeting is now adjourned. Thank

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you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date December 10, 2010