

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS & RECREATION

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April 4, 2012  
Start: 11:12 a.m.  
Recess: 11:33 a.m.

HELD AT: Committee Room - 14<sup>th</sup> Floor  
250 Broadway

B E F O R E:

MELISSA MARK-VIVERITO  
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley  
Daniel Dromm  
Julissa Ferreras  
Vincent J. Gentile  
James Vacca  
James G. Van Bramer

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

Marshall Kaminer  
Staten Island Borough Commissioner  
NYC Department of Buildings

Kanda Gordon  
Associate Commissioner  
NYC Department of Buildings

CHAIRPERSON MARK-VIVERITO: Good

morning, I'm Council Member Melissa Mark-Viverito, Chair of the Committee on Parks & Recreation, and I want to just indicate that we've been joined this morning by Council Member Danny Dromm, Council Member James Vacca, and I want to thank the Committee staff, Patrick Mulvihill, Chris Artori, Chima Obichere, for their work on this. Today the Committee will hold its first hearing on Intro #689, sponsored by Council Member Oliver Koppell, who could not be here with us this morning, which would require that any person or entity who removes or damages a tree from a Special Natural Area District replaced and removed or damaged tree. Special Area Natural Districts, or SNADs, were designated in 1975 as locations throughout the city that contain such natural beauty that they require special zoning and development restrictions, something that I was not aware of. For example, the natural features in SNADs are protected by limiting topographical modifications, preserving trees, plants and marine life, preserving natural watercourses, and by encouraging clustered development. Since SNADs

1  
2 are set forth by the city's zoning resolution, the  
3 Department of Buildings enforces the laws relating  
4 to SNADs. Recently in 2009 the Council passed  
5 Local Law 32 of 2009, which designated the damage  
6 or removal of trees from any zoned SNAD as a major  
7 violation, and mandated a mandatory minimum fine  
8 of \$750. Intro #689 would place an additional  
9 requirement on a party that removes or damages a  
10 tree in a SNAD, in that such a party would be  
11 required to replace the tree, as directed by DOB.  
12 It would serve to bring the unlawful removal of  
13 trees in SNADs into conformity with most of the  
14 city's tree removal laws, which require that trees  
15 that are removed be replaced at some point. The  
16 legislation also requires that DOB consult with  
17 the Parks Department to determine the type and  
18 size of the replacement tree. Finally, Intro #689  
19 would require that if a person who removed the  
20 tree fails to replace the tree within 30 days  
21 after being directed to do so by DOB, additional  
22 civil penalties may be imposed such person, which  
23 would be determined by DOB in consultation with  
24 DPR. So I don't know if any of the Committee  
25 members, I know Council Member Koppell is not here

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to join us, he would have spoken to this legislation and the reasons for it. I want to thank the members of the administration and the public who have come to testify in favor or against this legislation. And as other Council Committees come, we will recognize them, and with that I know that we have representatives here from the Department of Buildings that will speak to this Intro, and I know we have here Marshall Kaminer from the Department of Buildings, and Kanda Gordon, Associate Commissioner from DOB as well. With that we can begin I guess with the testimony. Thank you for being here this morning.

MR. KAMINER: Thank you very much. Good morning, Chair Viverito and members of the Parks & Recreation Committee. As stated before, my name is Marshall Kaminer and I'm the Staten Island Borough Commissioner at the Department of Buildings, I'm here today with Kanda Gordon, Associate Commissioner for Borough Operations. I want to thank you for the opportunity to comment on Intro #689 concerning illegal removal of trees in the Special Natural Area Districts, commonly referred to as SNAD. The Department of City

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2 Planning amended the Special Natural Area District  
3 text of the zoning resolution to improve  
4 preservation of significant natural features in  
5 parts of Staten Island, the Bronx and Queens. The  
6 purpose of the Special Natural Area District is to  
7 guide development to preserve unique natural  
8 features. The SNAD is mapped in community  
9 districts #1 and #2 of Staten Island, community  
10 district #8 of the Bronx, and community district  
11 #7 of Queens. Under the current regulations,  
12 natural features are protected by limiting  
13 modifications in topography, by preserving tree,  
14 plant and marine life and natural watercourses, as  
15 stated before. As the agency tasked with  
16 enforcement of the zoning resolution, the  
17 Department of Buildings already has the ability to  
18 issue violations to owners and developers who  
19 illegally remove trees from SNAD during  
20 construction operations. In permitted  
21 construction areas trees scheduled to be removed  
22 legally must be placed on construction plans. The  
23 Department understands the underlying goal of this  
24 legislation, and agrees that protecting our  
25 natural areas is important. While the Department

1  
2 currently approves building plans in the SNAD,  
3 which may include the removal of trees and the  
4 enforcement of illegally removing trees, there are  
5 implementation and operational challenges the  
6 Department would have in enforcing the bill as  
7 currently drafted. Firstly, the bill specifically  
8 mandates that the person who removed the tree must  
9 be the one to replace it. It would be exceedingly  
10 difficult for the penalty to be issued against the  
11 "person who removed such tree", without any  
12 ability to track who the person may be. DOB  
13 typically now issues a violation to the owner of  
14 the property. Secondly, construction inspectors  
15 are not trained in determining tree types and  
16 sizes, nor are they able to make decisions  
17 regarding tree health. While the Department works  
18 in cooperation with the Department of Parks and  
19 Recreation, DPR, for the planned removal of trees  
20 on city-owned property, an effective enforcement  
21 mechanism from the replacement of unlawfully-  
22 removed trees on private property would warrant  
23 further consideration and discussion with DPR.  
24 Lastly, the bill's requirement that the tree be  
25 replaced within 30 days of any determination by

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2 the Department is problematic. There is always  
3 the opportunity for the respondent to first go to  
4 ECB adjudicative hearing or the determinations may  
5 be issued at a time of year that is not optimal  
6 for tree planting, which should ideally be done in  
7 the spring or fall. Thank you for this  
8 opportunity to present our testimony on Intro  
9 #689, and we will gladly answer any questions you  
10 may have.

11 CHAIRPERSON MARK-VIVERITO: I want  
12 to thank you for your testimony, and we'll take  
13 your concerns into account with regards to,  
14 obviously Council Member Koppell, who authored  
15 this bill, make sure that he can engage in  
16 conversations, I started coughing, I apologize, I  
17 am getting a cold. But I do have just a couple of  
18 questions. First of all, there's very ... what's  
19 the percentage, I mean, how many acres are within  
20 these three SNADs in the city?

21 MR. KAMINER: I do not know the  
22 exact acreage, it is large slots of property.  
23 Typically the constructions are one- and two-  
24 family homes, but sometimes there are old  
25 residential-type high-rise buildings located in



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these properties.

CHAIRPERSON MARK-VIVERITO: Do you know if there's any opportunity to increase the number of SNADs in the city? Are there areas that would warrant that designation? Do you know?

MR. KAMINER: That would be a question more suitable for City Planning, determining which areas could accommodate natural areas of preservation. It is somewhat difficult if you're building in it, because you have to comply with a lot of regulations, and you have to go through a City Planning approval process, depending on how many natural features are present.

CHAIRPERSON MARK-VIVERITO: Interesting, that's definitely a question I would like to ask City Planning. Now, when you, in terms of the three areas that you mentioned of concern, the first one that you mentioned is that you typically issue the violation to the owner of the property.

MR. KAMINER: Yes.

CHAIRPERSON MARK-VIVERITO: But if the owner of the property is able to prove, for

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2 instance, who was the person that removed the  
3 tree, that it was not themselves, it was not that  
4 person, the owner, is there any ability to maybe  
5 figure something out in the wording of the  
6 legislation to accommodate that? You know, what  
7 would that burden of proof be? Because, I mean, a  
8 lot of times, if it's ... it may not be the owner  
9 that is doing it, for whatever reason, but.

10 MR. KAMINER: We ... I guess the  
11 Department could discuss that further, you know,  
12 with the Department of Parks and Recreation and  
13 our counsel, but at this point we do give the  
14 violation to the owner, and we typically tell the  
15 owner that it then becomes a civil matter between  
16 you and the contractor, and the violation is  
17 actually a very good form of proof in court for  
18 the owner to sue the contractor, you know, who did  
19 the- -

20 CHAIRPERSON MARK-VIVERITO:  
21 (Interposing) That did the ... that removed the  
22 tree.

23 MR. KAMINER: Yes.

24 CHAIRPERSON MARK-VIVERITO: So then  
25 I guess what is ... how do you inter-relate with DPR

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on this, in terms of enforcement?

MR. KAMINER: Well, currently we really do not ... we do not interact with the Department of Parks and Recreation on this. We actually interact with City Planning, because they basically are the ones who are responsible for the ... I'm forgetting the exact term, but it's the reconstruction plan. If you took out four trees, they may decide that, oh, maybe you should put back eight trees, or maybe you should put a little hill here as well, and things like that. So it's actually a planning issue now. We only deal with Parks if it's on city streets at the moment, street trees. Once it's on private property, the Parks Department is not involved.

CHAIRPERSON MARK-VIVERITO: Right, it's normally City Planning at that point.

MR. KAMINER: Right.

CHAIRPERSON MARK-VIVERITO: So then how does that work? So if it's on private property and it is determined that somebody removed a tree in one of these SNADs, then you issue the violation to the owner, but then what's City Planning's involvement then? I guess I don't

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understand that part.

MR. KAMINER: Well, if it's one tree, we ask them to go to City ... well, actually if it's any tree at this point, we typically ask them to go to City Planning, and work out a restoration plan, that was the phrase I was looking for. So in their text they call it a restoration plan, and then they have to determine do they want two trees in exchange for it, do they want three trees. There are some criteria for new buildings where they tell you if you're removing trees on a site for a new building, for every tree removed you have to put in two new trees, or something like that, but that's not our determination at the moment, especially if somebody is illegally removing a tree.

CHAIRPERSON MARK-VIVERITO: So then once you issue the fine, and I'll get to the public property, so on private property you issue the fine, then City Planning comes in to do the reforestation plan.

MR. KAMINER: Well, we contact City Planning directly.

CHAIRPERSON MARK-VIVERITO: Well

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2 then who follows up, who's responsible for  
3 following up to insure that that plan is enacted?  
4 Is it you or City Planning?

5 MR. KAMINER: If it's one tree and  
6 all they have to do is replace the one tree, we  
7 send them to City Planning, and from my  
8 perspective as Borough Commissioner of Staten  
9 Island, City Planning will send me an email and  
10 say it's okay to put the tree back, and we  
11 typically will not even want a permit for that,  
12 just replace the tree and we're done. If they  
13 remove say five trees or six trees, I will  
14 actually make them file an application with the  
15 Department, so that we can track the new planting  
16 of the trees and the possible, I guess, let's say  
17 they damage the trees, so the removal of the other  
18 trees that they, you know, hurt or made sick.

19 CHAIRPERSON MARK-VIVERITO: So you  
20 would be responsible for making sure that it had  
21 been planted- -

22 MR. KAMINER: (Interposing) If it's  
23 a significant number of trees, yeah.

24 CHAIRPERSON MARK-VIVERITO: Sorry  
25 about that.

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2 MR. KAMINER: We would ask for a  
3 permit from the Department of Buildings, and then  
4 we would raise the objection, go to City Planning,  
5 get the restoration plan, come back to us once you  
6 have an approved restoration plan.

7 CHAIRPERSON MARK-VIVERITO: How  
8 often do you have to intervene in this situation  
9 with SNADs?

10 MR. KAMINER: With ... in terms of- -

11 CHAIRPERSON MARK-VIVERITO:  
12 (Interposing) I mean, I know- -

13 MR. KAMINER: (Interposing) ...  
14 illegal removal of trees?

15 CHAIRPERSON MARK-VIVERITO: Yes.

16 MR. KAMINER: Well, we've issued 21  
17 violations so far. I can't swear to you that I  
18 sent- -

19 CHAIRPERSON MARK-VIVERITO:  
20 (Interposing) Is that just from Staten Island?

21 MR. KAMINER: No.

22 CHAIRPERSON MARK-VIVERITO: No,  
23 citywide.

24 MR. KAMINER: That's citywide.  
25 Staten Island I'm personally aware of a handful.

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CHAIRPERSON MARK-VIVERITO: And in terms of those violations, is it primarily one tree removal, or is it more than that?

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MR. KAMINER: It varies. It varies, sometimes it's one, very often it's a natural occurrence, and they have to prove to me that, like Hurricane Irene destroyed the tree or something like that. And then we just waive it and they just replace it as needed.

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CHAIRPERSON MARK-VIVERITO: Where, in what parts of the boroughs are the other two sets? In terms of Bronx and Queens?

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MR. KAMINER: It's Queens.

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CHAIRPERSON MARK-VIVERITO: What's the neighborhoods, I guess?

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MR. KAMINER: It's Community District #7 of Queens, I'm not sure of the neighborhoods involved in that.

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CHAIRPERSON MARK-VIVERITO: Flushing?

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MR. KAMINER: I think.

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CHAIRPERSON MARK-VIVERITO: Okay, and then the Bronx?

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MR. KAMINER: In the Bronx it's

1  
2 Community District #8, which is the Riverdale  
3 area.

4 CHAIRPERSON MARK-VIVERITO: Okay, I  
5 think, I don't remember exactly, but I know  
6 Council Member Koppell had a personal incident in  
7 his district, and that's what initiated it.

8 MR. KAMINER: And he lives in the  
9 Riverdale area.

10 CHAIRPERSON MARK-VIVERITO: Yes,  
11 this legislation. So then turning to the public  
12 property, have there been any situations, these  
13 violations of 21, primarily that has been on  
14 private?

15 MR. KAMINER: Well, this particular  
16 bill and our violations are aimed at removal of  
17 trees on private property in the SNAD area. If  
18 it's a removal of a tree on a street, the Parks  
19 then takes over and they issue the violations as  
20 required.

21 CHAIRPERSON MARK-VIVERITO: Have  
22 you had any incident ... you know, has there been  
23 circumstances in which it's been on public land?

24 MR. KAMINER: I don't track that  
25 from the Buildings Department, that you would have



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to ask the Parks Department.

CHAIRPERSON MARK-VIVERITO: That's with the Parks Department.

MR. KAMINER: Yes.

CHAIRPERSON MARK-VIVERITO: Do you have any idea of that? You don't have any idea. We'll ask them, because I want to know if this has happened, I guess, on public land.

MR. KAMINER: But that would not necessarily ... the SNAD would not necessarily be relevant to it, because now there's street tree legislation, and if you were to go into the front of your store with trees, which may not be in a natural area, and they removed it, the Parks Department would still be involved, just to clarify.

CHAIRPERSON MARK-VIVERITO: So then I mean, based on your testimony I'm assuming that if, you know, there's room for conversation, if there's ways we can accommodate right language that is ... more meets the needs and concerns that you raised. Now, do you have any idea, because I'm curious, I never heard of these in the past, like do you know what the specific criteria were

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2 that kind of determined a SNAD? I mean, this is  
3 from the 1970's, that's why I was asking whether  
4 there is any areas today that might, could be  
5 defined as a SNAD, and maybe zoned as a SNAD.

6 MR. KAMINER: Yeah, that would be a  
7 better question for City Planning. They can go  
8 into the history of how it developed, and they  
9 could tell you if there's any future SNAD or any  
10 potentially-future SNAD areas.

11 CHAIRPERSON MARK-VIVERITO: But  
12 these four were done at the same time, do you know  
13 that?

14 MR. KAMINER: Not ... I don't know.

15 CHAIRPERSON MARK-VIVERITO: Do you  
16 have the timing of them?

17 MR. KAMINER: I don't know.

18 MS. GORDON: I don't know.

19 MR. KAMINER: I don't want to  
20 comment.

21 CHAIRPERSON MARK-VIVERITO: Now  
22 we've talked about the removal of trees in SNAD,  
23 is there anything regarding even if a person takes  
24 their own initiative and wants to plant trees in a  
25 SNAD, is there any- -

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2 MR. KAMINER: (Interposing) No, not  
3 that I'm aware of.

4 CHAIRPERSON MARK-VIVERITO: Or any-

5 -

6 MR. KAMINER: (Interposing) No,  
7 definitely no violations that I'm aware of.

8 CHAIRPERSON MARK-VIVERITO: Any  
9 procedure to follow?

10 MR. KAMINER: An interesting  
11 question, because you actually don't want to plant  
12 the tree maybe too close to another tree, but at  
13 the moment I'm not aware of anything. If somebody  
14 has an existing home and they simply want to plant  
15 a tree, I don't think there's any regulations on  
16 that.

17 CHAIRPERSON MARK-VIVERITO: So no  
18 permit authorization, no need for a permit?

19 MR. KAMINER: No.

20 CHAIRPERSON MARK-VIVERITO: Right.

21 MR. KAMINER: I'm assuming they  
22 would consult with an arborist before they plant,  
23 which I'm hoping.

24 CHAIRPERSON MARK-VIVERITO: We  
25 hope, right? And they're probably not consulting

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2 to take one out, so I don't think they would  
3 consult to put one in. And then how do you  
4 determine if a tree on private property has been  
5 removed or damaged? Is that something that is  
6 brought to your attention, inspections, or how  
7 does that happen?

8 MR. KAMINER: Yeah, at the moment  
9 it's basically a complaint, typically people who  
10 live in SNAD areas are very protective of those  
11 areas, so if a neighbor is removing a tree, we  
12 will get a complaint. If a developer is coming in  
13 and they are removing in excess of the number of  
14 trees that are shown on their plans, we will get a  
15 complaint and go out and issue the violation. So  
16 it's mostly complaints.

17 CHAIRPERSON MARK-VIVERITO: Okay.  
18 And then just- -

19 MR. KAMINER: (Interposing) We also  
20 do a ... I mean, just so it's not all complaint-  
21 driven, if it is a new building project, there is  
22 a plan submitted and approved by City Planning,  
23 and then we go out for final inspection to make  
24 sure that the plan, including the trees and every  
25 other natural feature, is in conformance with the

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drawings. So we do that for new buildings.

CHAIRPERSON MARK-VIVERITO: And then, so you're saying that within SNADs there is actual development that exists.

MR. KAMINER: Yes, yes.

CHAIRPERSON MARK-VIVERITO: So everyone of these has like either residential, is there any commercial within SNADs or is this primarily residential?

MR. KAMINER: There could be, there could very well be some natural area that's served by some commercial establishments in it.

CHAIRPERSON MARK-VIVERITO: I'm going to go visit one, I'm kind of curious what they're like.

MR. KAMINER: Well, in the Bronx I know it's the Fieldston area, that's all residential, one-family. In Staten Island it varies, it's a good part of Staten Island, as you see, it's two community districts that's in the natural area.

CHAIRPERSON MARK-VIVERITO: And how many community districts are there on Staten Island in total?

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MR. KAMINER: Three.

CHAIRPERSON MARK-VIVERITO: Three, oh wow, so it takes up a large portion of it. Now a couple of last questions. Is there any interaction between the Million Trees Initiative and SNADs? Or are they planting trees in SNADs or what?

MR. KAMINER: Which initiative?

CHAIRPERSON MARK-VIVERITO: The Million Trees Initiative.

MR. KAMINER: I'm not familiar ... oh, the- -

CHAIRPERSON MARK-VIVERITO:  
(Interposing) The administration's initiative to plant a million trees in New York City. I don't know if you have- -

MS. GORDON: (Interposing) Are you asking- -

CHAIRPERSON MARK-VIVERITO:  
(Interposing) Whether there is- -

MR. KAMINER: (Interposing) If there is a relationship?

CHAIRPERSON MARK-VIVERITO: ... any of the SNADs have been identified as areas where-

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3 MR. KAMINER: (Interposing) No, I  
4 think that's more related to the street trees.

5 MS. GORDON: Exactly.

6 MR. KAMINER: I think that's the  
7 street tree initiative, and that's what was  
8 related to the Million Tree.

9 CHAIRPERSON MARK-VIVERITO: Right,  
10 but there are street trees within some of these  
11 SNADs, right?

12 MR. KAMINER: Yes, but as I said  
13 before.

14 CHAIRPERSON MARK-VIVERITO: Right.

15 MR. KAMINER: The street trees are  
16 the Parks Department.

17 CHAIRPERSON MARK-VIVERITO: That's  
18 DPR stuff.

19 MS. GORDON: Yes, exactly.

20 CHAIRPERSON MARK-VIVERITO: Okay.  
21 All right, I think those are the questions that I  
22 have. Oh, Danny has a question.

23 COUNCIL MEMBER DROMM: Thank you,  
24 Madam Chair. Just a follow-up, you said 21  
25 violations have been issued, since when?

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2 MR. KAMINER: According to my  
3 information, that was over the last two years.

4 COUNCIL MEMBER DROMM: Two years.  
5 And currently when violations are issued, how are  
6 they resolved? Have those issues been resolved,  
7 or are they just outstanding violations, or what ...  
8 is there any breakdown on that that you can give  
9 us?

10 MR. KAMINER: I can't give you a  
11 breakdown on the 21 violations, I could tell you  
12 from my dealing in Staten Island that when a  
13 violation is issued, they typically come to the  
14 office, want to know what to do, I will direct  
15 them to City Planning. Like I said, if it's one  
16 tree, they just get some direction from City  
17 Planning, they plant the tree, and I maybe will  
18 send an inspector out to make sure the tree is  
19 planted, and the other tree is fully removed. If  
20 it's seven trees or something that they're  
21 removing, I will require an application when they  
22 come in after they get the violation, and again  
23 send them to City Planning to get a restoration  
24 plan and then again we'll send an inspector out to  
25 make sure that everything is according to the



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plan.

COUNCIL MEMBER DROMM: Is there any type of penalty imposed for a violation?

MR. KAMINER: There is a \$750-per-tree violation at the moment.

COUNCIL MEMBER DROMM: And how is that collected?

MR. KAMINER: That is an ECB violation.

COUNCIL MEMBER DROMM: And so if they, a private property owner decides to choose, or chooses not to pay that, is there a collection method?

MR. KAMINER: No, if it's an ECB violation, they have to go to ECB court. If there is a default on it, or they don't act on it for a certain amount of time, we will eventually send another inspector out, and either issue another violation. If they continue to ignore the violation, we actually could theoretically escalate it to a criminal summons.

COUNCIL MEMBER DROMM: That happens very rarely, though, right?

MR. KAMINER: Yes, very rarely,

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2 this is a non-hazardous violation, we typically  
3 don't want to issue a criminal summons for a non-  
4 hazardous violation.

5 COUNCIL MEMBER DROMM: I'm just  
6 thinking, oh, if I may, Madam Chair, on private  
7 property that's not in a SNAD, is it a violation  
8 to chop down trees?

9 MR. KAMINER: No.

10 COUNCIL MEMBER DROMM: They can do  
11 whatever they want.

12 MR. KAMINER: And they don't even  
13 need a permit, no.

14 COUNCIL MEMBER DROMM: If they chop  
15 down trees and fill a driveway up, or put in  
16 cement, is the pouring of the cement a violation,  
17 without a building permit?

18 MR. KAMINER: Well, the concrete is  
19 regulated by code, so in theory we would like to  
20 know what they're doing with the concrete, but if  
21 it's a driveway, it's not necessarily a big deal.  
22 There is also another aspect of the zoning  
23 resolution called basically planting requirements  
24 for new buildings, and maybe modifications, where  
25 you have to have a percentage of your front yard

1  
2 with tree plantings at the moment. So depending  
3 on the age of the building, you know, we can take  
4 some action on that regarding the violation of the  
5 zoning resolution. But that's another section of  
6 the zoning resolution.

7 COUNCIL MEMBER DROMM: Not  
8 necessarily, though, on back alleyways. I have a  
9 particular- -

10 MR. KAMINER: (Interposing) No,  
11 yeah, they're not regulating the rear yards too  
12 much. Obviously if they take away a tree and  
13 there was grass there before, we would be  
14 concerned about storm water drainage and things  
15 like that, and if the neighbors are saying now I  
16 have, you know, water splashing onto my property,  
17 we will send an inspector out who will issue a  
18 storm water drainage violation.

19 COUNCIL MEMBER DROMM: Okay, thank  
20 you.

21 CHAIRPERSON MARK-VIVERITO: We've  
22 been joined by Council Member Vinny Gentile from  
23 Brooklyn, and I think those are the questions that  
24 we had specifically on this. I will take, and  
25 obviously share with our colleague, Koppell, who

1  
2 is the sponsor of this bill, the concerns raised,  
3 and see what level of conversation we can engage,  
4 as always with hearings, usually what we present  
5 as legislation can always be adapted and amended  
6 and improved, and so I think I'm sure he's more  
7 than happy to hear the recommendations or  
8 concerns, and see if there's ways that we can work  
9 it out. So with that I thank you very much for  
10 coming. We do have questions for City Planning  
11 which we could probably send to them in a letter,  
12 and I appreciate you taking the time to testify  
13 here today.

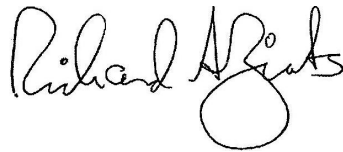
14 MR. KAMINER: Thank you.

15 CHAIRPERSON MARK-VIVERITO: And  
16 with no one else having any questions, we will  
17 adjourn this hearing, thank you.

18 MR. KAMINER: Thank you.

C E R T I F I C A T E

I, Richard A. Ziats, 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 April 10, 2012