

Commission Meeting NYC - Taxi & Limousine Commission
May 4, 2021

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NEW YORK CITY
TAXI & LIMOUSINE COMMISSION
COMMISSION MEETING
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May 4, 2021
10:30 a.m.

B E F O R E:
ALOYSEE HEREDIA JARMOSZUK, Chair
RYAN WANTTAJA, Acting General Counsel
Board of Commissioners:
THOMAS SORENTINO, Commissioner
STEVEN KEST, Commissioner
LAUVIENSKA POLANCO, Commissioner
BILL AGUADO, Commissioner
KENNETH MITCHELL, Commissioner
JASON GONZALEZ, Assistant General Counsel

James Tetta
Court Reporter

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S P E A K E R S
FABIAN CANCEL
AVIK KABESSA
STEVEN SHANKER

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CHAIR JARMOSZUK: Good morning, and welcome to the May 4, 2021 New York City Taxi and Limousine Commission Meeting. We are meeting remotely today to ensure everyone's safety.

I am Aloysee Heredia Jarmoszuk, commissioner and chair of the TLC. Today I am joined by a board of commissioners, Bill Aguado, Steven Kest, Kenneth Mitchell, Lauvienska Polanco, and Tom Sorrentino.

Today we will hear comments on three proposed rule packages. The first eliminates underlying base licenses for high-volume, for-hire services. The second imposes specific penalties for the different specific ways a base may fail to comply with the TLC's trip record requirement, and establishes in the data field for high-volume licensees, and the last rule package shortens the length of time in which the TLC must issue a decision on a summary suspension recommendation to align the

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TLC's rules with the recent court decision.

Additionally, we will also hear a presentation about the TLC's new pilot program that will increase the availability of battery electric vehicles to owner and drivers of yellow taxi cabs.

Before we turn to the hearing, I would like to begin with some updates.

First and foremost, I want to take a moment to denounce, in the strongest terms, possible anti-Asian violence and racism. Violence against the Asian Americans and Pacific Islander members of the community in any form whatsoever is unacceptable. And I condemn it in the strongest terms. Many of the TLC licensees are Asian American, and we must stand up for all communities that face violence, harassment, and discrimination.

Separately, I want to speak about vaccinations. The number of people who

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2 have been vaccinated against COVID-19
3 continues to grow steadily, locally and
4 nationally. In New York City, we have
5 dispensed over six and a half million
6 vaccinations to date, but our work is
7 not done. The TLC will continue to take
8 a leading role in the city's vaccination
9 efforts when we advocate it for TLC
10 licensed drivers to be given priority
11 for vaccines and is connecting them with
12 appointments.

13 I'm very pleased to share with you
14 that the TLC has now scheduled vaccine
15 appointments for over 6,500 of our
16 licensees, a number that grows daily.
17 We urge all of our licensees to continue
18 to get tested regularly and to get
19 vaccinated. We are, thankfully, in a
20 good place right now, where there is
21 plenty of supply. The vaccines are
22 safe, and effective, and it has never
23 been easier to find one. Most city-run
24 sites are offering walk-up vaccinations
25 for New Yorkers, and you can find a full

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list on NYC.gov.walkupvacs. You do not need an an appointment for any of these sites. You can also schedule an appointment for certain vaccinations by calling 877-VAC-4NYC, or 877-829-4692, or by visiting vaccinefinder.NYC.GOV.

If you are a TLC licensed driver, and you would like for us to help you get vaccinated, please email us at TLCexternalaffairs@TLC.nyc.gov. The sooner you are vaccinated, the sooner we can bring the pandemic to an end for all of us.

Separately, I would like to speak a little bit about the passing of Edith Prentiss. Edith Prentiss was a well-known disability advocate. She passed away last month. She was a fierce advocate for the disability community, and was very well respected throughout the city, and well known by the TLC staff and members of the industry alike. Her activism and engagement was infused with warmth,

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2 knowledge, and care for her fellow New
3 Yorkers. Her work over the years with
4 Disabled in Action, and Taxis For All
5 campaign led to many more wheelchair
6 accessible taxis and for-hire vehicles
7 on the road. And the city is better and
8 in a more accessible place thanks to
9 Edith, and we will miss her and her
10 tireless advocacy, and will continue to
11 build on her work of her legacy, and all
12 of the work she has done on behalf of
13 New Yorkers.

14 I'd like to share a little bit of an
15 update on the taxi owner resource
16 center. Last month we hit a milestone
17 of 1000 TLC licensees served by the
18 resource center. We accelerated a
19 launch in May of 2020, during the height
20 of the pandemic, to provide a wide range
21 of assistance to licensees remotely.
22 Our staff has worked hard to ensure that
23 our licensees received needed support,
24 including the pandemic payroll
25 protection loan. That application for

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2 those PPP loans are due on May 31st, so
3 if there are TLC licensees that would
4 like to apply for PPP loans, we can help
5 you through the resource center. We
6 also provide one-on-one financial
7 counseling, driver protection services,
8 state and federal assistance like SNAP,
9 and Medicaid, and mental health
10 resources through the resource center.

11 The center's legal services is at
12 the core a \$55,000,000 Taxi Medallion
13 Owner Relief Program, as I will discuss
14 now.

15 Since we met last, Mayor De Blasio
16 and I were pleased to announce the Taxi
17 Medallion Relief Program at the center
18 of which is a \$55,000,000 dedicated fund
19 to help distressed medallion owners see
20 their loans restructured to
21 significantly better terms, lower
22 principal amounts, better interest
23 rates, and lower monthly payments.

24 Even before announcing the
25 \$55,000,000 commitment, the resource

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2 center was able to successfully work
3 with struggling medallion owners through
4 \$200,000,000 of debt forgiveness through
5 the same kind of down payments the city
6 is offering. In the period since, we
7 have announced a new program where we
8 have helped several medallion owners
9 achieve a total of \$1,200,000 in debt
10 forgiveness.

11 There has been extensive social
12 media press coverage about the taxi
13 medallion relief program, and it
14 concerns me that there's still some
15 misinformation shared about it, so I
16 want to take this opportunity to go
17 through some of the facts.

18 New York City is providing \$20,000
19 to owners of medallions who are
20 struggling with medallion-associated
21 debt to use as a down payment to
22 restructure their outstanding loans.
23 Those down payment monies have a
24 multiplying effect. So \$20,000 per
25 medallion, or per loan, can mean

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2 hundreds of thousands of dollars off of
3 the collective principal amounts. We
4 have already seen it work for medallion
5 owners. To help medallion owners to
6 transition to more affordable loans and
7 get taxis back on the road so that our
8 licensees are earning money, and the
9 public has taxi services, is very
10 critical at this time as the city is
11 reopening.

12 We understand that this is a start,
13 and the first support program of its
14 kind, and as we successfully restructure
15 loans, we will provide additional
16 support to any medallion owner who may
17 need additional funds to help pay their
18 -- their loan owner debt for a few
19 months. The city will also provide up
20 to \$9,000 in debt service, payment
21 support, should any medallion owner need
22 that after they successfully
23 restructured their loans.

24 Any interested medallion owners
25 should reach out to us to schedule an

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2 appointment with the owner/driver
3 resource center through the TLC's
4 website at NYC.gov/TLC, or by emailing
5 MRP@TLC.NYC.gov.

6 The resource center's attorneys will
7 assess the specific circumstances of
8 your loan, and help you create a plan of
9 action unique to your situation and work
10 on your behalf of your lender, together
11 with you, to achieve the best possible
12 outcome and to reduce your debt. While
13 no two loans are exactly alike, we are
14 confident that in many instances owners
15 will see their loans reduced
16 significantly, sometimes by as much as
17 20 or as much as 50 percent or more.

18 To learn more about the program, and
19 to connect with our legal advisors who
20 can help you, please make an appointment
21 through our website at NYC.gov/TLC, or
22 email MRP@TLC.NYC.gov, and we very much
23 look forward to working with you to
24 achieve real debt relief and
25 forgiveness.

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And last but not least, I'd like to wish everyone who is observing Ramadan, a blessed Ramadan.

Thank you so much, and I'll hand it over to the team.

MR. WANTTAJA: Thank you, commissioner. Commissioners, the next item on the agenda is the adopting of the minutes. Before you are the minutes from the December 5, 2020 commission meeting. Same as in prior virtual hearings, I will ask that you raise your hand for the vote until your vote has been noted.

With that, all those in favor of adopting the minutes before you, please raise your hand.

(Whereupon, a vote was cast.)

MR. WANTTAJA: With that, the minutes are adopted unanimously.

Next I'll invite Fabian Cancel to present the baseline recommendations.

MR. CANCEL: Good morning, commissioners. My name is Fabian

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Cancel. I'm the director of the base and business licensing unit. I have 30 base renewals and change applications submitted and are awaiting your approval.

MR. WANTTAJA: Thank you, Fabian.

All in favor of adopting the base licensing recommendations before you, please raise your hand.

(Whereupon, a vote was cast.)

MR. WANTTAJA: With that, the base license recommendations are adopted unanimously.

MR. CANCEL: Thank you.

MR. WANTTAJA: Thank you, Fabian.

Up next, we will hear a presentation from assistant general counsel, Jason Gonzalez, on our battery electric vehicle yellow taxi program.

MR. GONZALEZ: Good morning, commissioners. My name is Jason Gonzalez. I am one of the assistant general counsels in the legal department of TLC. Today I will be giving a

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presentation on the battery electric vehicle pilot program.

As of today, the Tesla model 3 is the only battery electric vehicle approved for yellow taxis. There are currently 12 model 3 vehicles on the road. Our existing TLC rules do not explicitly permit the use of battery electric vehicle as taxis.

Medallion owners have expressed instances of having one or more battery electric vehicles for taxis. TLC has decided to propose a rule. The proposed rule will permit TLC the use of battery electric vehicle models for a period of 12 months to determine whether these vehicles will be suitable as taxis.

Participation in the pilot program is completely voluntary. There will be no limit on the number of participants, and participants must agree to the terms of the pilot, specified in the pilot participant agreement.

With respect to the vehicles that

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are eligible to participate in the pilot program, there are certain criteria each vehicle must meet in order to participate. First, the vehicle must be a battery electric vehicle, no hybrids will be permitted to participate in the program.

Second, the vehicle interior must meet the specifications for non-accessible vehicles under TLC rule 67-05.1.

Third, the vehicle cannot have a 0 to 60 mile per hour acceleration rate that is faster than 4.4 seconds.

Lastly, the medallion owners, or agents, must provide instructions on safe battery electric vehicle operation to drivers.

Now recent technology improvements have made this opportunity to initiate the pilot program. There are a large number of models from different manufacturers available. Battery range and lifespan have increased tremendously

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over the last several years and continue to do so.

There is also more expansive infrastructure for electric vehicle cars. These improvements translate into direct benefits for pilot participants. Drivers can now drive longer and farther. There are zero emissions from these vehicles, which fall directly in line with New York City environmental and (inaudible).

Just to reinforce the extent of this contract, the infrastructure is (inaudible) in the availability of electric vehicle charges throughout the city. There are approximately 500 charging stations throughout the city, and 35 fast charging stations.

The pilot will allow TLC to perform quantitative and qualitative analysis of data compiled and surveys to culminate in the final concordance at the conclusion of the pilot.

The pilot final report will contain

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the data from what was just mentioned, and the key areas for the battery electric vehicles, and those areas are the battery range, shift length, safety impact, and geographic areas of service.

Now with the result of the final report, TLC will make a final decision as to whether to propose specific rules for battery and approval as taxis.

This concludes my presentation. I want to thank you for allowing me to present today.

Have a pleasant day.

MR. WANTTAJA: Thank you, Jason.

Before we get into the vote on this, I am curious if any of the commissioners have any questions about this before we proceed.

(No response was given.)

MR. WANTTAJA: If there are no questions, commissioners, pursuant to the New York City Charter, a copy of the pilot was placed on our website and sent to each of you on Wednesday, April 28th.

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If there are no further questions, all in favor of adopting the battery electric vehicle pilot program resolution before you.

(Whereupon, a vote was cast.)

MR. WANTTAJA: Great, and with that, the pilot resolution is adopted unanimously.

Up next is a scheduled public hearing on our proposed summary suspension updated rules. As the commissioner, these rules codify a recent court ruling by reducing the timeframe administrative law judge has to issue a recommendation on a summary suspension from 15 days to 10 days, and reducing the timeframe that TLC has to issue a final decision of that recommendation from seven days to five days.

Pursuant to the City Administrative Procedure Act, these rules ran in the City Record on March 31st, with a common deadline of April 30th. No comments

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were received on these proposed rules,
and no speakers signed up to testify.

With that, we will move on to a vote
on the final rules, a copy of which was
posted on the TLC website, and emailed
to each of you on April 30th.

All in favor of the adopting the
proposed summary suspension updated
rules before you.

(Whereupon, a vote was cast.)

MR. WANTTAJA: Rules are adopted
unanimously.

Next is a public hearing on TLC's
proposed high-volume base classification
rules. These rules, among other items,
streamline TLC's licensing process by
removing the underlying base licenses
for entities that received a high-volume
for-hire service license from the TLC.

Additionally, these rules are
certain requirements that only apply to
entities such as for-hire services from
the section governing all bases to the
section of TLC rules governing just

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high-volume for-hire services.

We have, I believe, one speaker signed up to testify. I will just note that speakers will be limited to three minutes, and I will provide you with a 30-second warning. When I call your name, please unmute yourself and you may begin your testimony.

Our first, and only speaker, today is Avik Kabessa.

MR. KABESSA: Yes. Good morning, Ryan. I believe Steven Shanker was also a speaker.

MR. WANTTAJA: Yeah, but it does not look like he's signed in yet. If he's able to sign in now, I'd be happy to add him back to the list.

MR. KABESSA: Can I start my testimony?

MR. WANTTAJA: Please do. Thank you.

MR. KABESSA: Good morning, commissioners. My name is Avik Kabessa. I'm the owner of The Livery Round Table.

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While The Livery Round Table supports the ongoing specifications, we do not believe it should come at the cost of destroying the livery sector.

In practice today, Uber dispatches (inaudible), which is part of the black car fund. Similarly, Uber dispatches livery drivers through its livery base, which is the member of the livery car. However, the proposed rule requires high-volume services to be a member of the black car, but not a member of the livery fund, meaning there will be no workers' compensation for livery drivers dispatched by the insurance. This is true because the livery fund does not provide coverage to livery drivers when the dispatcher originates from a base that is not a member of the livery fund.

And the black car fund does not have a mandate providing workers' compensation to the livery driver. As a matter of fact, it does not cover livery drivers dispatched by high volume

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services. The livery fund was created for providing livery workers compensation to different drivers they never had before.

Therefore, we ask that you amend the proposal to also require high-volume service dispatchers to livery to the matter of the livery fund. Without it, the gap of insurance I spoke about, but it will also mean (inaudible) the livery fund and the delivery sector. No high-volume service will remain a member of the livery fund if it's only member is of the black car fund, and no livery driver will remain livery if these are no longer covered by the livery fund.

More so, when the goal of the proposed rule is to eliminate the need for high-volume service to hold two or more different licenses, it will create two or more different entities for the same livery driver. If this dispatch was livery based, and one was through the black car fund, the dispatch would

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be a high-volume service.

On the other hand, mandating high-volume services to be part of the livery fund will not only -- will not place any other burden on the high-volume service on what they're doing today. It will (inaudible) on the livery workers' compensation coverage for the delivery as a state law mandate.

Most importantly, commissioners, it will in no way change the regulatory scheme which the commission seeks to enact before the proposed regulation.

I would like to thank you, Commissioner Jarmoszuk, for your statement to us and the Livery Drivers & Base Owners Association, that you have no desire to harm or hurt the livery sector. I urge you to please give our suggestions serious consideration.

Thank you very much for allowing me to speak today and I am happy to answer any questions you might have.

MR. WANTTAJA: Thank you, Avik, for

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your testimony. It does look like Steven Shanker has logged in, so we do have one more speaker on these proposed rules.

MR. SHANKER: Can you hear me?

MR. WANTTAJA: We can hear you.

MR. SHANKER: Very good. Good morning, Madame Chair, and members of the commission. My name is Steven Shanker. I am the general counsel of The Livery Drivers Benefit Fund.

The Livery Fund has no issue with the classification of high-volume service into a higher base category, it does have an issue with mandating the high-volume service become a member of the black car fund, while also not mandating to be a member of the Livery Fund.

I've been practicing workers' comp insurance and for almost 25 years. I've fortunately been able to see the evolution of no livery drivers being entitled to workers' comp benefits and

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2 the anger they had to endure for years
3 of fighting to either get benefits or to
4 get a denial. In the creation of the
5 black car was a watershed moment in the
6 history of the industry, as far as to
7 why they were (inaudible) advocate to
8 black car drivers. But unfortunately,
9 that did not solve the problem for the
10 livery sector and livery drivers.

11 At the time, livery drivers were the
12 black sheep of the industry because they
13 were the only ones left without a
14 remedy, in the event that they were
15 involved in an accident because the
16 black car did not supply livery drivers.

17 The situation became so dire that in
18 2008, I was given the honor of drafting
19 a legislation that became the Livery
20 Fund law. Since the Livery Fund came in
21 to existence in January 2010. Over 11
22 years ago, it has been a roaring success
23 and it closed that gap in coverage.

24 Since that time, all drivers are
25 entitled to some form of benefits in the

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2 event of a work-related accident. For
3 the first time in history, the creation
4 of the two funds allowed for all
5 for-hire vehicle drivers to be entitled
6 to some form of coverage. There were
7 proposed rules as it pertains to
8 mandating high-volume service become
9 members of the black car fund, but not
10 become members of this Livery Fund,
11 disrupts this delicate balance, which
12 creates a gap in coverage, which leaves
13 livery drivers without a remedy.

14 This is because first, as we had
15 said, the livery drivers will not cover
16 a livery if injured on a dispatch from a
17 non-member base. And the black car fund
18 is not required to provide coverage to
19 livery drivers. They surely did not
20 before the creation of the Livery Fund,
21 and they currently do not cover
22 dispatches today for Uber's livery base.

23 Our request is to amend the proposed
24 rules, to mandate that all high-volume
25 services become members of both funds as

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2 they currently are now. This will in no
3 way alter the regulatory plan that you
4 have to enable high-volume services, to
5 have their own class. All we're asking
6 for is to preserve the status quo, as
7 far as the two funds are concerned, and
8 not putting the delivery drivers in
9 jeopardy to not have any sort of
10 coverage.

11 With all due respect, it's not the
12 function of the Commission to alter this
13 delicate balance that was done by this
14 legislature in Albany so many years ago,
15 when it created two funds. If that
16 balance is to be altered, then
17 respectfully, it should be done by the
18 legislation and not by regulatory fiat.

19 I'd also ask that we do not lose
20 sight of the fact that your actions with
21 regard to the (inaudible) as written
22 will have an impact on livery drivers
23 and the livery industry (inaudible) the
24 status quo upon the industry other than
25 to create a separate classification.

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Thank you for the opportunity to speak to you, and to allow me to speak today. I'm happy to answer any questions you may have.

MR. WANTTAJA: Thank you.

MS. POLANCO: I have a question regarding what they have been stating, regarding the high-volume services to be a member of the black car fund.

Is that so, and then why was that -- why was that done? There's a reason. There must be a reason. I just wanted to --

MR. WANTTAJA: Right now these rules before you, we're not going to vote on them, so there's plenty of time to consider the comments and testimony before us now.

But the rules don't require memberships per se. What these do is classify all for-hire high-volume services as a type of black car base. Right now, the majority of the high-volume trips are dispatched

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2 pursuant under the black car fund, and
3 lifts all of the (inaudible), and the
4 majority of Ubers are dispatched
5 pursuant to their underlying black car
6 base, and those are covered by the black
7 car fund. Uber does currently have a
8 livery base license, and the dispatches
9 it makes pursuant to that license are
10 covered by the Livery Fund, which there
11 are members pursuant to that base, not
12 their other 20 some-bases.

13 We don't believe anybody will lose
14 coverage under these proposed rules, but
15 certainly we'll take our time and
16 evaluate the comments today and the
17 written testimony also submitted.

18 MR. SHANKER: If I may interject for
19 a moment. I believe Ryan said that
20 there's no mandatory requirement of the
21 proposed rules that high-volume service
22 being a member of the fund -- excuse me,
23 the black car fund. But I'm reading as
24 what changed to section 59B-12,
25 subsection b, subsection 1 says that

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"Every black car base, luxury limousine base, and high-volume service must become and remain a member of the Black Car Fund."

MR. WANTTAJA: Certainly nothing prohibits additional memberships on top of that, but I'm happy to go over the comments with the commissioners and the individual provisions. Again, we're not voting on these rules right now. There is plenty of time to have further conversations as well.

MS. POLANCO: Okay. Thank you.

MR. SHANKER: Thank you.

MR. WANTTAJA: Thank you.

That concludes the public hearing on the high-volume base classification rules, which we will not be voting on those today.

Finally, we have a scheduled public hearing on a proposed trip record submission rule package. These rules create different penalties for the different ways a base may fail to apply

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with TLC submission rules, and require additional data fields to be recorded for purposes of monitoring accessibility programs.

No one signed up to speak on these rules, but we did receive comments on them. So we will end this public hearing, but hold the rules over for a vote, while we review the written comments.

That is the final item on our agenda. So with that, I'll pass it back to Chair Jarmoszuk.

CHAIR JARMOSZUK: All right. It's 11:03 a.m. on May 4, 2021.

Thank you to the commissioners for joining us for this public meeting. Thank you to the participants and all those who provided testimony.

This officially concludes this public meeting. Thank you. Have a great day.

(Thereupon, the examination was concluded at 11:04 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

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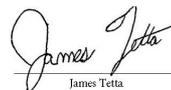
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 4th day of May, 2021.



James Tetta

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