STATE OF WISCONSIN

EDWARD EGAN,
Complainant,

v.

President, UNIVERSITY OF WISCONSIN SYSTEM (Oshkosh),
Respondent.

Case No. 00-0126-PC-ER

PERSONNEL COMMISSION

RULING ON MOTION FOR SUMMARY JUDGMENT

This matter is before the Commission to resolve respondent's motion for summary judgment, on complainant's claim of discrimination based on disability. Both parties, through counsel, have submitted briefs and other documents. The following findings of fact are based on information supplied by the parties, appear to be undisputed, and are made solely for the purpose of deciding this motion.

FINDINGS OF FACT

1. At all relevant times, complainant was employed by respondent in an academic staff position in the Center for Communicative Disorders (CCD), a division of the Communication Department at UW-Oshkosh, as a Clinical Supervisor in Audiology.

2. Complainant has responsibility for supervising clinical students, teaching, and maintaining a patient caseload.

3. In May 1999, Chancellor John E. Kerrigan appointed complainant to a 3 year rolling horizon contract beginning with the 1999-2000 academic year. Under a rolling horizon appointment, the employee does not receive an annual contract review. Instead, renewal operates automatically for the term of the rolling horizon to add another year to the contract each year, except when respondent interrupts the appointment.

4. The interruption of a rolling horizon contract must be completed by May 1 of each year.

5. In February 2000, CCD clinic manager Terry Sacks filed a formal complaint against complainant alleging a lack of respect and civility on complainant's part towards Ms.

Sacks. Ms. Sacks' formal complaint was filed under Chapter 16 of respondent's Oshkosh campus academic staff personnel rules. Her complaint contained the specific information required by these rules, including a description of specific acts, evidence supporting the complaint, a listing of the specific rules alleged to have been violated, and a desired outcome.

6. On approximately February 28, 2000, Johanna Zuehls, a student in the audiology department at respondent's Oshkosh campus, filed a formal complaint against complainant alleging inappropriate behavior toward CCD students and staff.

7 Michael Zimmerman, Dean of College of Letters and Science, was also given a copy of the complaints filed against complainant.

8. Chancellor Kerrigan appointed Dr. William Kitz, an associate professor at respondent's College of Education and Human Services, and Ms. Becki Cleveland, a nurse and an academic staff member in respondent's College of Nursing, to investigate Ms. Sacks' and Ms. Zuehls' complaints.

9. Dr Kerrigan advised complainant to prepare written responses to the complaints filed against him and to be prepared to provide information to Dr Kitz and Ms. Cleveland.

10. On March 14, 2000, complainant provided a written response to Ms. Sacks' complaint. The response included a counterclaim against Ms. Sacks for sex and disability discrimination.

11 Complainant also responded in writing to the complaint filed by Ms. Zuehls. This response included a counterclaim against her for sex and disability discrimination, in which he expressed concern that there was collusion between Ms. Sacks and Ms. Zuehls against him.

12. In the spring 2000, Dean Zimmerman met with Ms. Sacks to discuss her concerns about complainant and the CCD. Dean Zimmerman also reviewed client evaluations of complainant.

13. Complainant's written responses to Ms. Sacks and Ms. Zuehls' complaints were forwarded to Dr Kitz and Ms. Cleveland.

14. Dr. Kitz and Ms. Cleveland reviewed the written complaints and the written responses provided by complainant. Complainant met with Dr. Kitz and Ms. Cleveland early in the investigation and they heard complainant's responses to the complaints.

15. During the investigation, Dr. Rosetti, a professor within the department, made statements to the investigators that he believed Ms. Sacks and Ms. Zuehls were colluding against complainant.

16. Dean Zimmerman sent a memorandum, dated April 26, 2000, to Chancellor Kerrigan recommending complainant's rolling horizon appointment be discontinued. Dean Zimmerman's memorandum acknowledged that he was aware of the complaints pending against complainant, but noted "this action is independent of them and has absolutely no reflection on them."

17 Chancellor Kerrigan agreed with Dean Zimmerman and sent a letter to complainant, dated April 27, 2000, that stated, in part:

> This is to inform you of the discontinuation of the automatic renewal portion of your rolling horizon appointment. Since you have been informed of this notice of non-extension, your appointment shall have a fixed ending date of June 20, 2002.
>
> This decision to discontinue the rolling horizon aspect of your current appointment is not a contract nonrenewal. As provided under section 2.A.(3)(g) of the Academic Staff Personnel Policies and Procedures, 19999 UW Oshkosh Faculty and Academic Staff Handbook, p. 313, your appointment shall next be subject [to] renewal in Spring 2001.
>
> The rationale for this action is my concurrence with the Dean's observation that a number of significant questions have arisen about your work as a clinician. I concur with the notion that there should be an annual performance review and annual consideration of your contractual status for renewal or nonrenewal of your appointment.

18. Dr Kitz and Ms. Cleveland drafted two reports addressing the complaints filed by Ms. Sacks and Ms. Zuehls separately, and made recommendations to Chancellor Kerrigan. Chancellor Kerrigan received the two reports as well as a summary report in June 2000.

19. In the report regarding Ms. Sacks' complaint, Dr Kitz and Ms. Cleveland stated they were unable to corroborate harassment of Ms. Sacks by complainant. They con-

cluded complainant and Ms. Sacks did not get along because of disagreements over their respective job responsibilities and further concluded there were serious personnel and managerial problems in the CCD.

20. With respect to Ms. Zuehls' complaint, Dr Kitz and Ms. Cleveland determined complainant behaved inappropriately towards student and other employees.

21. Dr. Kitz and Ms. Cleveland included a number of recommendations in their reports. These recommendations included a written reprimand, discontinuation of complainant's rolling horizon appointment, and various affirmative steps be undertaken by the university and complainant to correct complainant's inappropriate behavior uncovered by the investigation.

22. In a letter dated July 27, 2000, Chancellor Kerrigan informed complainant of the results of the investigation into the two complaints.

23. Respondent formally disciplined complainant with a written reprimand that directed him to work with his department chair and college dean to identify a resource person to act as an advisor on professional issues and to assist complainant with developing a plan to improve his interpersonal skills. The letter also informed complainant of his right to appeal the discipline to the faculty senate as provided by university rules.

24. Chancellor Kerrigan also informed Ms. Sacks and Ms. Zuehls of the results of the investigation.

25. Complainant waived his right to appeal the sanctions to the faculty senate and stated that he would comply with the sanctions outlined in Chancellor Kerrigan's July 27 letter.

26. Complainant has disabilities resulting from a motor vehicle accident. He has limited use of his left arm, his left leg was amputated above the knee and he suffers from intermittent pain on almost a daily basis.

OPINION

The Commission may summarily decide a case when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Balele v. Wis. Pers. Comm.*, 223 Wis. 2d 739, 745-748, 589 N.W. 418 (Ct. App. 1998). Generally speaking, the following guidelines apply. The moving party has the burden to establish the absence

of any material disputed facts based on the following principles; a) if there are disputed facts, but the disputed facts would not affect the final determination, then those disputed facts are immaterial and insufficient to defeat the motion; b) inferences to be drawn from the underlying facts contained in the moving party's material should be viewed in the light most favorable to the party opposing the motion; and c) doubts as to the existence of a genuine issue of material fact should be resolved against the party moving for summary judgment. *See Grams v. Boss*, 97 Wis. 2d 332, 338-9, 294 N W 2d 473 (1980); *Balele v. DOT*, 00-0044-PC-ER, 10/23/01. The non-moving party may not rest upon mere allegations, mere denials or speculation to dispute a fact properly supported by the moving party's submissions. *Balele, id.*, citing *Moulas v. PBC Prod.*, 213 Wis. 2d 406, 410-11, 570 N W 2d 739 (Ct. App. 1997). If the non-moving party has the ultimate burden of proof on the claim in question that ultimate burden remains with that party in the context of the summary judgment motion. *Balele, id.*, citing *Transportation Ins. Co. v. Huntziger Const. Co.*, 179 Wis. 2d 281, 290-92, 507 N W 2d. 136 (Ct. App. 1993).

In *Balele,* the Commission discussed factors that need to be considered in this administrative, non-judicial forum, when addressing a summary judgment motion. In summary, these factors include:

> (1) Whether the factual issues raised by the motion are inherently more or less susceptible to evaluation on a dispositive motion. Subjective intent is typically difficult to resolve without a hearing, whereas legal issues based on undisputed or historical facts typically can be resolved without the need for a hearing; (2) whether a particular complainant could be expected to have difficulty responding to a dispositive motion. An unrepresented complainant unfamiliar with the process in this forum should not be expected to know the law and procedures as well as a complainant either represent by counsel or appearing *pro se* but with extensive experience litigating in this forum; (3) whether the complainant could be expected to encounter difficulty obtaining the evidence needed to oppose the motion. An unrepresented complainant who either has not had the opportunity for discovery or who is not familiar with the discovery process is unable to respond effectively to an assertion by the respondent for which the facts and related documents are solely in respondent's possession; (4) whether an investigation has been requested and completed; and (5) whether the complainant has engaged in an extensive pattern of repetitive and/or predominately frivolous litigation. If this situation exists it suggests that the use of a summary procedure to

> evaluate his/her claims is warranted before requiring the expenditure of resources required for a hearing.

Balele v. DOT, 00-0044-PC-ER, 10/23/01, cited with approval in *Balele v. WPC and DNR*, 01-CV-3396, 7/29/02.

With respect to the present case, respondent's summary judgment motion does not run to an issue of subjective intent, but to the legal question of whether certain acts or omissions are adverse employment actions. As to the second factor, the complainant is represented by counsel in the present matter. Respondent states, and it is not disputed by complainant, that the parties have engaged in extensive discovery, including depositions. The complaint was investigated by a member of the Commission's staff who issued an initial determination, with a finding of no probable cause for complainant's allegations. The Commission has no information that complainant has engaged in frivolous or repetitive litigation. Therefore, this case appears suitable for a summary judgment disposition on the issues raised by the motion in a manner similar to the traditional summary judgment process.

The respondent is contesting complainant's allegations, arguing they do not rise to the level of adverse employment action sufficient to establish a prima facie case of discrimination or retaliation. The respondent also contends there were legitimate, non-discriminatory reasons for taking the actions that are allegedly discriminatory and retaliatory.

Complainant contends that discontinuing his three-year rolling horizon appointment, dismissal of his complaints against a coworker and a student, and a written reprimand placed in his personnel file, either individually or collectively, constitute materially adverse employment actions that were improperly motivated.

Adverse Employment Action

In order to prevail on a claim of discrimination or retaliation under the FEA, a complainant is required to show that he or she was subject to a cognizable adverse employment action. *Klein v. DATCP*, 95-0014-PC-ER, 5/21/97 The FEA at §111.322(1), Stats., makes it an act of employment discrimination to "refuse to hire, employ, admit or license any individ-

ual, to bar or terminate from employment . or to discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment."

The applicable standard, if the subject action is not one of those specified in these statutory sections, is whether the action had any materially adverse effect on the complainant's employment status, either through its effect on his tangible conditions of employment, or by having a sufficiently negative effect on his work environment. *Klein, supra*, at 6. In determining whether such an effect is present, it is helpful to review case law developed under Title VII, which includes language parallel to the statutory language under consideration here. 42 USC §2000e-2.

I. Discontinuation of complainant's three-year rolling horizon appointment

In May of 1999, Chancellor John E. Kerrigan appointed complainant to a 3 year rolling horizon contract beginning with the 1999-2000 academic year. Under a rolling horizon appointment, the employee does not receive an annual contract review or recommendation for renewal or nonrenewal of the appointment by all levels of supervision. Instead, renewal operates automatically so that the contract is extended for a year unless the rolling horizon aspect of the contract is interrupted.

Respondent contends the negative comments about complainant documented in the clients' evaluations were a concern, especially because many of complainant's clients are small children. Respondent made the decision to discontinue complainant's rolling horizon appointment and require complainant to go through an annual contract review for renewal or nonrenewal by all levels of review.

Complainant argues that discontinuing the automatic renewal of his rolling horizon appointment was comparable to being placed on probation but he did not elaborate on the similarities.

Respondent disagrees with complainant's suggested comparison. Respondent argues academic staff employees like complainant are not subject to a probationary period. In addition, respondent contends probation is ordinarily used as a period of time for an employee to prove him or herself before being permanently employed. In contrast, complainant was

employed under a continuing contract and the loss of the rolling horizon appointment did not change his future employability as an academic staff member The Commission concludes that the interruption of complainant's rolling horizon was not akin to placing complainant on probation. After the automatic renewal portion of complainant's rolling horizon appointment was discontinued, he still had the same protection against nonrenewal that he had under the rolling horizon contract, in that a nonrenewal would be subject to the same review process under either a rolling horizon or a non-rolling horizon/renewable contract.

Notwithstanding the conclusion that respondent's action was not akin to placing complainant on probation, the Commission considers whether that action would in some other way have a sufficiently negative impact on complainant's employment status to be considered an adverse employment action.

The courts have defined adverse employment actions to varying degrees. In general, the Seventh Circuit Court of Appeals has not required that an action be an easily quantifiable one such as a termination or reduction in pay in order to be considered adverse, *Collins v. State of Illinois*, 830 F 2d 437, 71 FEP Cases 495 (7th Cir 1996). In *Smart v. Ball State University*, 89 F.3d 437, 71 FEP Cases 495 (7th Cir. 1996), the court stated as follows:

> Adverse employment action has been defined quite broadly in this circuit. *McDonnell v. Cisneros*, 84 F. 3d 256, 70 FEP Cases 1459 (7th Cir 1996). In some cases, for example, when an employee is fired, or suffers a reduction in benefits or pay, it is clear that an employee has been the victim of an adverse employment action. But any employment action does not have to be so easily quantified to be considered adverse for our purpose. "[A]dverse job action is not limited solely to loss or reduction of pay or monetary benefits. It can encompass other forms of adversity as well." *Collin v. State of Illinois*, 830 F. 2d 692, 703, 44 FEP Cases 1549 (7th Cir 1987).
>
> While adverse employment actions extend beyond readily quantifiable losses, not everything that makes an employee unhappy is an actionable adverse action. Otherwise, minor and even trivial employment actions that "an irritable, chip-on-the-shoulder employee did not like would form the basis of a discrimination suit." *Williams v. Bristol-Myers Squibb Co.*, 85 F.3d 270, 70 FEP Cases 1639 (7th Cir 1996) [I]n *Flaherty v. Gas Research Institute*, 31 F. 3d 451, 65 FEP Cases 941 (7th Cir. 1994), we found that a lateral transfer, where the employee's existing title would be changed and the employee would report to a former subordinate, may have caused a "bruised ego," but did not constitute an

> adverse employment action. Most recently, in *Williams*, we found that the strictly lateral transfer of a salesman from one division of a pharmaceutical company to another was not an adverse employment action . . .

See also, *Dewane v. UW*, 99-0018-PC-ER, 12/3/99.

In *Crady v. Liberty Nat'l Bank & Trust Co.*, 993 F. 2d 132, 136 (7th Cir. 1993), the court, in requiring that an actionable employment consequence be "materially adverse," stated:

> A material adverse change in the terms and conditions of employment must be more disruptive than a mere inconvenience or an alteration of job responsibilities. A materially adverse change might be indicated by a termination of employment, a demotion evidenced by a decrease in wage or salary, a less distinguished title, a material loss of benefits, significantly diminished material responsibilities, or other indices that might be unique to a particular situation.

See, Spring v. Sheboygan Area School District, 865 F. 2d 883, 886 (7th Cir. 1989) ("humiliation" claimed by school principal resulting from a transfer to another school did not constitute an adverse employment action because "public perceptions were not a term or condition" of plaintiff's employment.)

The Commission has previously determined that a performance evaluation, standing alone, does not amount to an adverse employment action. *Yelton (Janecke) v. DOC*, 98-0227-PC-ER, 7/26/01, citing *Lutze v. DOT*, 97-0191-PC-ER, 7/28/99, citing *Smart v. Ball State University*, 89 F. 3d 437, 71 FEP Cases 495 (7th Cir. 1996); and *Bragg v. Navistar International*, 164 F. 3d 373, 78 FEP Cases 1479 (7th Cir. 1998). Such action has to occur under circumstances which result in a negative effect on complainant's employment status, such as having an adverse effect on the employee's merit pay. *Id.*

The complainant has not specified how the discontinuation of his rolling horizon appointment would substantially negatively impact him, other than his comparison to being placed on probation, which the Commission rejected above. There is no allegation that there was loss of pay or benefits, job responsibilities or other privileges that may have been unique to complainant's position with respondent, or some other potential repercussion for future employment with respondent or another employer As noted above, complainant had the same protections against nonrenewal before and after the discontinuation of the automatic renewal portion of his rolling horizon contract. The requirement of an annual contract evaluation prior

to the extension of complainant's contract, is, at worse, analogous to conducting an investigation into an employee's performance or conduct which could conceivably lead to disciplinary action. In *Klein,* the Commission held that an investigation into a relatively serious allegation of misconduct (sex harassment) did not constitute an adverse employment action in the absence of an allegation of a negative effect on the employee's employment status. Just as most employees undoubtedly would prefer not to be investigated, most employees would prefer not to be evaluated before the extension of a contract. However, the Commission's decision in *Klein* and other cases establish that more than this will be required before there is an employment action sufficiently adverse to give rise to a WFEA claim of employment discrimination. Therefore, the Commission finds there was no adverse employment action when respondent discontinued the automatic renewal portion of complainant's rolling horizon contract.

II. Written Reprimand

After respondent investigated the complaints, Chancellor Kerrigan adopted the investigator's recommendations and issued a written response that directed the complainant to work with his department chair and college dean to identify a resource person who would act as an advisor on professional issues and would assist him with developing a plan to improve his interpersonal skills.

The facts with respect to the written reprimand in the present case are similar to those set forth in a recent ruling in *McKay v. SHS*, 00-0094-PC-ER, 7/16/02. The Commission determined that a reprimand could have a significant negative impact on a state employee, including the employee's advancement and progressive discipline. *Id.* In *McKay*, the Commission cited *Klein v. DATCP*, 95-0014-PC-ER, 5/21/97, which involved an allegation of retaliation for engaging in fair employment activities when complainant was investigated for a possible work rule violation, and which illustrated that even a nominally neutral action could be considered adverse if it is accompanied by sufficiently negative collateral effects. In the instant case, it is clear the reprimand is a negative disciplinary action.

In *McKay* the Commission also considered a comparison with the whistleblower law (sub. III, ch. 230, Stats.). The definition of disciplinary action in that law (which, unlike the

WFEA, applies only to the state as employer, s. 230.80(4), Stats.) is more extensive than that in the WFEA. The former defines "disciplinary action" in two tiers of gravity, ss. 230.80 (2), 230.85(6), Stats., and specifically includes a "reprimand" in the more serious bracket, s. 230.80(2)(a), Stats., as part of "[d]ismissal, transfer, removal of any duty assigned to the employee's position, refusal to restore, suspension, reprimand, verbal or physical harassment or reduction in base pay." *Id.* This indicates the legislature's recognition that in state service a reprimand is a serious matter *Id.* Also, the Commission stated it "relies on its collective experience that a reprimand can have a significant negative impact on a state employee, including the employee's advancement and progressive discipline." *Id.*

Dismissal of complaints against Ms. Sacks and Ms. Zuehls

Complainant contends the investigators failed to investigate the complaints he filed against Ms. Sacks and Ms. Zuehls. Complainant argues Ms. Sacks and Ms. Zuehls were never asked to respond in writing to the complaints filed by complainant even though one of the department's professors, Dr. Rosetti, made statements to the investigators that he believed Ms. Sacks and Ms. Zuehls were colluding against complainant.

Respondent argues complainant was given several opportunities to provide substance to the complaints he had filed against Ms. Sacks and Ms. Zuehls but failed to do so. Respondent contends the complaints filed against Ms. Sacks and Ms. Zuehls were devoid of any specific evidence or allegations. Furthermore, respondent argues the investigators did determine Ms. Sacks' and Ms. Zuehls' motivation for filing their complaints against complainant and concluded their motivation had nothing to do with complainant's disability or gender.

When considering a motion for summary judgment, the Commission will view the inferences to be drawn from the underlying facts in the light most favorable to the party opposing the motion, which in the present case, would be complainant. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 89 L. Ed. 2d 538, 106 S. Ct. 1348 (1986).

Assuming that respondent did not explicitly investigate complainant's counter-complaints against Ms. Sacks and Ms. Zuehls, complainant has not shown how respondent's failure to investigate these complaints had a material adverse effect on complainant's employ-

ment or how there was significant change to his employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities or a decision which would cause a change in benefits. *Barton v. United Parcel Service, Inc.*, 175 F. Supp. 2d 904, 909 (2001); *citing Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742, 761, 141 L.Ed. 2d 633, 118 S. Ct. 2257 (1998).

The complainant has cited no authority to support his position that the lack of an investigation constitutes an adverse employment action. However, there is case law to support the proposition that investigative activities alone do not constitute actionable employment actions. In *Klein v. DATCP*, 95-0014-PC-ER, 8/25/99, respondent determined, following an investigation, that no disciplinary action against complainant was warranted. Nothing was established or placed in complainant's personnel filed that left any kind of "black" mark on complainant with respect to future upward mobility. *Id.* The Commission found that the pre-disciplinary proceeding was not an adverse employment action

In *Thomas v. St. Luke's Health Systems, Inc.*, 869 F. Supp. 1413, 1435 (N.D. Iowa 1994), the Court held that a withdrawn request for a urinalysis did not amount to an adverse employment action:

> Thomas suffered no adverse employment action as the result of the withdrawn request for urinalysis, because it had no impact on his continued employment. Thomas's continued employment was not ultimately made dependent on a favorable result of the urinalysis; the urinalysis became irrelevant when it was withdrawn. Nor was Thomas ever again subjected to a request for a urinalysis. Thomas asserts that the withdrawal of the urinalysis undermined his employment position because he was unable to exonerate himself. However, the facts are undisputed that Thomas did not suffer any consequences to his employment in the form of demotion, termination, suspension, unusual or humiliating requirements, change of duties, or termination, which could suggest that his position was undermined.

> In *Pierce v. Texas Dept. of Crim. Justice, Inst. Div.*, 37 F. 3d 1146, 1150 (5th Cir. 1994), the Court concluded that neither the investigations of an employe for drug trafficking and a verbal altercation, nor the requirement to undergo a polygraph examination amounted to adverse employment actions: "Neither investigation resulted in any action being taken against Pierce Pierce's polygraph examination . do[es] not amount to [an] adverse employment decision because no adverse result occurred."

In *Zimmerman v. DOC*, 98-0071-PC-ER, 8/25/99, the complainant was investigated for an internal sex harassment complaint which accused a Sergeant of having sexually harassed the complainant. The investigation determined the complainant was mistakenly identified in the complaint. The Commission reiterated the position taken in *Klein v. DATCP*, 95-0014-PC-ER, 5/21/97, stating that one sexual harassment investigation against the complainant did not constitute an adverse employment action in the absence of a showing the investigation had some kind of collateral effect on the complainant's employment status. "While it is safe to assume that any allegation of employee misconduct will result in some degree of stress, we are dealing here with a single incident, which did not result in the pursuit of any disciplinary action against complainant. It have been recognized in somewhat analogous contexts that isolated actions are unlikely to result in a finding of a hostile work environment." *Id.* Similar to *Klein* and *Zimmerman,* the failure to investigate here is not coupled with any allegation of collateral impact on the complainant's employment status—e.g., that such failure left the complainant open to harassment as could be the case where an employer fails to investigate a sex harassment complaint.

CONCLUSIONS OF LAW

1. This case is properly before the Commission pursuant to §230.45(1)(b), Stats.

2. Complainant's charge of discrimination with respect to the discontinuation of the automatic renewal of his rolling horizon appointment is not considered an adverse employment action.

3. Complainant's charge of discrimination with respect to the written reprimandis considered an adverse employment action.

4. Complainant's charge of discrimination with respect to the allegation of respondent's failure to investigate his complaints filed against Ms. Sacks and Ms. Zuehlsis not considered an adverse employment action.

ORDER

Respondent's motion for summary judgment is granted in part and denied in part. As to the allegation of discrimination based on the discontinuation of the automatic renewal of his rolling horizon appointment and the failure to investigate the complaints filed by complainant, the motion is granted, and these claims are dismissed. As to the allegation of discrimination based on the written reprimand, the motion is denied.

Dated: Dec. 23, 2002.

STATE PERSONNEL COMMISSION

KST:AJT:KMS: 000126Crul3

ANTHONY J. THEODORE, Commissioner

KELLI S. THOMPSON, Commissioner