

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NEW YORK
DEPARTMENT OF STATE
HEARING AID DISPENSING
ADVISORY BOARD MEETING

DATE: MAY 28, 2024 at 10:48 p.m.
VENUE: WebEx
BEFORE: SECRETARY DAVE MOSSBERG

1 APPEARANCES :

- 2 JERRY BERGMAN
- BRANT CAMPBELL
- 3 CANDY BURCHETT
- NORMA ROSADO
- 4 JOHN PUNNIT
- ALISON LACEY
- 5 ERIC FREEMAN
- DAVID MOSSBERG
- 6 DR. KAL ALSHAER
- EMILY RUBY

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (The meeting commenced at 10:48 a.m.)

2

3 SECRETARY MOSSBERG: Thank you. Good morning
4 everybody. My name is David Mossberg. I'm representing
5 Secretary of State Walter Mosley for this New York State
6 Hearing Aid Advisory Board meeting. Today is May 28th,
7 2024. It is currently 10:48. I'd like to thank everybody
8 for joining us today, and I will just go into the first
9 item on the agenda, which is introduction and roll call.
10 So can we get introduction from New York City, please? So
11 Board members and anybody at the table, if you'd like to
12 just announce yourselves you can go off mute?

13 B. CAMPBELL: Sure, this is Brant Campbell, the
14 designee for the New York State Office of the Attorney
15 General.

16 J. BERGMAN: This is Jerry Bergman, Hearing Loss
17 Association representative on the tech support.

18 SECRETARY MOSSBERG: Is there anyone else in New
19 York City?

20 J. BERGMAN: No, just the two of us.

21 SECRETARY MOSSBERG: In Albany?

22 C. BURCHETT: All right, I'm - this is Candy
23 Burchett; I'm the board coordinator, Department of State.

24 N. ROSADO: Norma Rosado, Department of State.

25 J. PUNNIT: John Punnit (ph.), Department of

1 State.

2 A. LACEY: Alison Lacey, Department of State.

3 E. FREEMAN: Eric Freeman, non-audiologist, is
4 hearing dispenser.

5 SECRETARY MOSSBERG: Again, Dave Mossberg
6 representing secretary of state.

7 K. ALSHAER: Kal Alshaer, representing Public
8 Healths.

9 E. RUBY: Emily Ruby (ph.), Department of State.

10 SECRETARY MOSSBERG: So with the introduction,
11 note that we do not have a quorum for today's board meeting
12 with only two voting members present. So we'll just go on
13 to the next item agenda (sic). New business: practical
14 exam scheduling. Alison Lacey.

15 A. LACEY: Good morning, ladies and gentlemen.
16 We received a question from a board member on the
17 scheduling of exams.

18 UNKNOWN SPEAKER: I'm sorry. Who's speaking?
19 Who's speaking?

20 A. LACEY: My name is Alison Lacy. The question
21 that the board member asked us was, Why are written exam
22 dates are posted online, but practical exam dates are not
23 posted online? The reasoning behind this is written exams
24 can be administered by exam proctors and do not require
25 industry experts to be present for the examination.

1 Written exams can also be administered in groups.

2 Because the flexibility in administering the
3 written exams, we can administer them as walking exams to
4 qualified individuals with no pre-registration required.
5 On the other hand, practical exams must be administered by
6 industry experts. The Department works with licensed
7 dispenser - dispensers to administer our practical
8 examinations. Practical exams must also be administered to
9 each person individually, not in a group setting. Due to
10 the way this exam is scheduled and administered, we cannot
11 post a schedule of practical exam dates.

12 Applicants waiting to take an exam will be
13 scheduled by our office. We schedule applicants in date
14 order by the date of their exam application. To help
15 lessen the wait time for practical exams, we have added an
16 additional exam location in Rockland County. We are also
17 recruiting additional practical examiners. The position
18 was recently posted online at state jobs, a website used by
19 New York State to fill vacant positions. We encourage
20 anyone interested in becoming a practical examiner to
21 submit their resume to us by email. And that email
22 address, if you're interested, is the word exams, which is
23 E-X-A-M-S at dos dot ny dot gov.

24 Are there any questions?

25 SECRETARY MOSSBERG: Thank you, Alison. Next -

1 so for the court reporter, this is Dave Mossberg. The next
2 item on the agenda - the next two items - are actually
3 for Board member Eric Freeman. The first is the OTC
4 advertising and the other is the brochure update. So Eric?

5 E. FREEMAN: My name is Eric Freeman. And so as
6 a registered dispenser, I have several patients that have
7 come into my office not requesting over-the-counter hearing
8 aids as the initial beginning of the conversation about
9 helping them. But there is sometimes the need to bring up
10 when an over-the-counter hearing aid is a necessity.
11 Usually the patient may say, Oh that's a little more
12 expensive. What about these OTCs?

13 The board had put out the other year over - OTC
14 versus prescribed. That's - has that been addressed on
15 the website as an easier access to that, because on the
16 second portion of my question, is the brochure updates, is
17 where - access to that - those sites would be more
18 beneficial as well, because the consumer is not going to go
19 to the Department of State and ask them, What's the
20 difference between OTC and the prescribed hearing aid?

21 So it's up to the prescribers and dispensers to
22 have more information on that, and we're not allowed to
23 really go into talking about too much of that because the
24 regulations, or lack thereof, for over-the-counter hearing
25 aids. So is any bit of clarification that we can use?

1 SECRETARY MOSSBERG: So, sorry. So are you
2 asking, Where are these documents stored on the website?

3 E. FREEMAN: I found where - I found just
4 recently where it was -

5 SECRETARY MOSSBERG: Okay.

6 E. FREEMAN: -on the website. It wasn't as easy
7 to find as I would have hoped to find it, but there's no -
8 there's really no access or awareness for the consumer to
9 know about - to know about the difference of OTC versus a
10 prescribed hearing aid. So whether it was through
11 advertising or programs where OTCs are sold, so there's
12 something there, so they - so the consumer could be aware,
13 because there's such a vast difference between OTC and a
14 prescribed hearing aid -

15 SECRETARY MOSSBERG: Right.

16 E. FREEMAN: We already know that, in this
17 profession, that when someone has troubles with an OTC,
18 they try the hearing aid, and they're going to wait longer
19 to get the right help. So how can we get the right
20 information? As a per - as a dispenser, I can advocate
21 only what I can, and yet for this type of product line,
22 we're not allowed to.

23 SECRETARY MOSSBERG: Well, so -

24 E. FREEMAN: We're not allow - we're not
25 advertising it, per se, but -

1 SECRETARY MOSSBERG: Right. Well, let me ask you
2 this. So the information that you found on the website,
3 because the board - we revised the - these materials -

4 E. FREEMAN: Correct.

5 SECRETARY MOSSBERG: - and so, and to the best
6 as I understood, the board as well as the public input went
7 into the creation of those documents.

8 E. FREEMAN: Right.

9 SECRETARY MOSSBERG: So it's not that the
10 information that is in those documents is misleading or
11 inaccurate -

12 E. FREEMAN: Correct.

13 SECRETARY MOSSBERG: -it's just how to make that
14 more widely available.

15 E. FREEMAN: Correct, the accessibility.

16 SECRETARY MOSSBERG: Right. So obviously, the
17 Division of Licensing, we have a particular audience, and I
18 think you mentioned that consumers probably aren't going to
19 go to us.

20 E. FREEMAN: Right.

21 SECRETARY MOSSBERG: But I think one - with the
22 understanding that information that we have is accurate and
23 helpful, I think what we could do internally is - I know
24 that our, for example, our main website, we change the
25 banner, so we could talk to our press team or digital team

1 that's in charge of that. We rotate that, I think, monthly
2 or periodically, so we could see if we could get that as
3 the main banner again.

4 We can also work with our friends at the State
5 Division of Consumer Protection, because I know that they
6 provided input in this document originally. I don't know
7 if these materials are also on their website or if it's
8 just the Division of Licensing. So we could talk to them
9 about adding it there, because as a consumer, you might go
10 to Baitfish and Consumer Protection to see if it's there as
11 well.

12 So that's something that we can talk to our
13 digital team about, seeing about if we could get it to the
14 top banner, putting it on State Division of Consumer
15 Protection. I know State Division of Consumer Protection
16 and the Secretary has a Twitter and Facebook and social
17 media account, so we can see if we could add that to
18 rotation, sort of as a reminder to hopefully those that we
19 can reach that could benefit by it. So that's something
20 that I think we would be able to go back and talk to the
21 appropriate people about. I'm glad that information that
22 you found you're saying is correct and good. It's just we
23 want more people to be able to view it.

24 E. FREEMAN: More accessibility. So -

25 SECRETARY MOSSBERG: Right. So that's something

1 that I think we could talk internally, maybe I could come
2 up with something to share at the next meeting about.

3 E. FREEMAN: Can it be shared also then maybe
4 with the Department of Health, because a lot of people do
5 reach out to the Department of Health, Department of Aging,
6 Office of the Aging, and that could be a really a better
7 venue for this information to get around to. Yeah.

8 SECRETARY MOSSBERG: Yeah. I don't want to speak
9 for -

10 E. FREEMAN: No, we can't speak for the other -

11 SECRETARY MOSSBERG: Right.

12 E. FREEMAN: -but this is an advisory board.

13 SECRETARY MOSSBERG: Right.

14 E. FREEMAN: And if we can get that information
15 out, because with the onset of new technology and how this
16 profession is changing, it's more than just the hearing aid
17 dispenser these days.

18 SECRETARY MOSSBERG: Right.

19 E. FREEMAN: It's taking care of the - and
20 advocating for the consumer. And there's such a need for
21 improving the communication.

22 SECRETARY MOSSBERG: Yeah, I - like I said, I
23 can't speak for any other agencies or any other board
24 members, but I think certainly we would be willing to look
25 at what resources are available to the secretary and see

1 what we would be able to do to try to get this messaging
2 out there. So we'll definitely take that back.

3 E. FREEMAN: Okay.

4 On the brochure update. I appreciate that it -
5 the website was just recently updated, early April. I was
6 looking for the consumer guide; for almost a year, it
7 disappeared. I don't know where it went to. I found it
8 under the business section, not under the business
9 registration versus a registered dispenser. So there's two
10 different sections. So I think it just got to fake
11 downwards on both, if I saw that correctly.

12 SECRETARY MOSSBERG: Actually, yeah, I - as you
13 mentioned, we just recently updated the entire department's
14 website, multiple pages. So it could be something that
15 maybe that replaces the wrong page or edit like that, but
16 that's all part of, I think, the same discussion that we
17 have to have internally about getting it to the audience.
18 So I'll definitely talk to our team about that.

19 E. FREEMAN: Because a lot of that information is
20 required by regulation for dispensers to provide directly
21 to the consumer when they're purchasing hearing aids. And
22 that was not able to be done. There becomes a problem if
23 we're not doing our job right.

24 SECRETARY MOSSBERG: Yeah, we definitely
25 appreciate you letting us know. I know we've had - been

1 working on those updates for a while, we visit every case,
2 make sure everything's there. But again, that's just, I
3 think something that we can easily accomplish by talking to
4 the digital team. It's not a problem for us.

5 Does anybody else have comments about the website
6 or the information that's posted there or questions about
7 what we've done for the department?

8 J. BERGMAN: This is Jerry. I'm not sure if Eric
9 was speaking about the consumer guide that we had worked on
10 several years ago to update.

11 E. FREEMAN: Yes.

12 J. BERGMAN: Yeah. Okay.

13 E. FREEMAN: Yes.

14 J. BERGMAN: I also looked online, not recently,
15 but also maybe a month ago and couldn't find it anywhere on
16 the Dispensing Board's website, which is where it used to
17 be. There were two versions, as I recall, going way back.
18 There was a long version, which might have been 10 or 12
19 pages or something like that, and there was a short trifold
20 version, and that was just condensed from the larger one.
21 But we updated both to include assisted listening
22 technology as a point for people to understand.

23 So I think it's important that the staff look
24 into the availability of those two items on the Dispensary
25 Board website. And - but I don't recall recently, but it

1 used to be that the longer version, maybe even the shorter
2 version, had a list of resources - consumer resources that
3 - third-party type resources, websites and so forth, and I
4 think that that's an important item to offer.

5 I have a kind of a related issue to bring up in
6 terms of who does what as Dave, you were talking about it.
7 As you know, I think, and some of the others probably, we
8 now have coming into formation an Interagency Advisory
9 Council within the Governor's office for people who are
10 deaf and hard of hearing, and that's to bring together
11 around the table periodically board members who represent
12 our disability communities - deaf, deaf/blind, or hard of
13 hearing, and a like number of representatives of the
14 various state agencies. So I think the question of how do
15 we get out information and what information should we get
16 out about hearing loss at the IAC - Interagency
17 Coordinating Council - should be a useful point of
18 reference for you.

19 SECRETARY MOSSBERG: Thank you for that, Jerry.
20 We'll definitely see what we can learn about that, and if
21 we can reach out and see, again, that will help reach the
22 audience that we're trying to protect. So that's a good
23 point. Thank you for mentioning that.

24 E. FREEMAN: Is there any guidance for registered
25 dispensers in managing and handling OTC a little better

1 than what's been presented already? Anything that we need
2 to be aware of that they need to be aware of.

3 SECRETARY MOSSBERG: Not that I'm aware of in
4 terms of any changes since the federal regulated guidelines
5 (indiscernible). The board met to discuss those changes
6 and create the documents that we were just discussing, so
7 there hasn't been any new law that I'm aware of or
8 anything.

9 E. FREEMAN: Is a general healthcare provider at
10 risk of registration issues? If someone comes into my
11 office, for example, says, Hey I'd like you to talk about
12 over-the-counter hearing aids, and I want to suggest to
13 them the importance of -

14 UNIDENTIFIED SPEAKER: I don't know what
15 happened.

16 E. FREEMAN: Now, I understand that I'm not
17 allowed to, per se, do that, but as a registered dispenser
18 to walk into my office without hearing health.

19 SECRETARY MOSSBERG: I mean, obviously everything
20 is always going to be fact-specific, right? So like, I
21 don't - I can't represent what the Department would do in
22 that hypothetical. You have to have more information about
23 what was said to you from the client and then what you said
24 in response. So I'm not in position to just answer -

25 E. FREEMAN: Okay.

1 SECRETARY MOSSBERG: - a hypothetical like that.
2 Okay. So the next item on the agenda is D. Candy?

3 C. BURCHETT: I am, for the court reporter, Candy
4 Burchett. The next Advisory Board meeting will be Tuesday,
5 August 13th, at 1:00 p.m.

6 SECRETARY MOSSBERG: Thank you, Candy.

7 C. BURCHETTE: You're welcome.

8 SECRETARY MOSSBERG: There being no new business,
9 I will go to the next item on the agenda, which is public
10 comment. I just confirm - any members of the public in
11 New York City that wish to provide public comment?

12 J. BERGMAN: David, before we get to public
13 comment, can I just raise a sticky wicket?

14 SECRETARY MOSSBERG: Sure.

15 J. BERGMAN: I've brought it up at previous
16 meetings. It has to do with the fact that, from the time
17 several years ago I first joined the board, we had a pretty
18 good representation of representatives, and out of the 13,
19 we must have had, at any one time, anywhere from 10 to 12
20 positions filled. Right now, you know you asked about a
21 quorum. There are 13 positions, as you know, and there are
22 eight vacancies. So if my math is correct, we'll never
23 have a quorum until those vacancies are filled. So let me
24 again ask if you can talk to what's being done to fill the
25 vacancies, those eight positions, some of which are two or

1 three years unfilled.

2 SECRETARY MOSSBERG: Yeah. You know,
3 unfortunately, we are aware of the vacancies, just one of
4 the things that we are continually trying to get filled in.
5 It's something we're aware of. It's something that we want
6 to try to address. So at this point, I don't have any
7 updates other than to say this is something that we can
8 continually try to work on and to get engagement. It's
9 important. It's just something that we're continuing to
10 work on.

11 J. BERGMAN: Can somebody explain what you're
12 trying to do? Because I don't hear -

13 SECRETARY MOSSBERG: Well, the first thing -

14 J. BERGMAN: - about any initiative coming from
15 Albany to try to fill these vacancies.

16 SECRETARY MOSSBERG: Well, so I mean the first
17 thing is -

18 J. BERGMAN: You've asked in the past that we
19 submit nominees.

20 SECRETARY MOSSBERG: Have you done that?

21 J. BERGMAN: So, the initiative should come from
22 your end, and we can be responsive if somebody will reach
23 out and try to work on recruiting people. I think that's
24 the only way it's going to happen.

25 SECRETARY MOSSBERG: Again, you know, that's

1 something that we are continually trying to do, looking for
2 candidates and also having candidates come to us just to
3 show an interest being on the board. And it's just one of
4 those things that we are continuing.

5 J. BERGMAN: Where have you - where have you
6 reached out to recruit candidates? The Hearing Loss
7 Association has not been contacted ever. Have you
8 contacted - ?

9 SECRETARY MOSSBERG: But they know - but have
10 they explored -

11 J. BERGMAN: -the next audiologist--

12 SECRETARY MOSSBERG: Right, but I mean these -

13 J. BERGMAN: -associations.

14 SECRETARY MOSSBERG: But these groups know about -

15 J. BERGMAN: I'm not seeing any effort on your
16 end. I'm sorry.

17 SECRETARY MOSSBERG: Yeah, but these groups know
18 about the need for vacancies, and they haven't recommended
19 anyone.

20 J. BERGMAN: It's not our responsibility, it's
21 yours.

22 SECRETARY MOSSBERG: Okay.

23 J. BERGMAN: Do you not agree with that?

24 SECRETARY MOSSBERG: I think that any person who
25 has a desire to be a member of this board and knows about

1 the vacancies could reach out and say they want to
2 participate and be a member of the board. These groups know
3 about the vacancies. If they want to put forward a
4 candidate, they know how to reach us and we'll gladly try to
5 get them on the board.

6 J. BERGMAN: No, so that's - let's say the
7 status quo is okay -

8 SECRETARY MOSSBERG: That's not what I said at
9 all.

10 J. BERGMAN: -these vacancies, and -

11 SECRETARY MOSSBERG: That's not -

12 J. BERGMAN: -you sit back waiting for people to
13 come forward.

14 SECRETARY MOSSBERG: But that's not what I -

15 J. BERGMAN: That's what I hear you say, is that
16 correct?

17 SECRETARY MOSSBERG: That's absolutely a hundred
18 percent not correct. Zero percent.

19 J. BERGMAN: Well, then give us a fix of what you
20 are doing.

21 SECRETARY MOSSBERG: Again, I'm on the council
22 side of things, so I can't get into the specifics on the
23 program level, but certainly it's an open invitation to
24 anyone on the board or anyone watching this WebEx meeting
25 or anyone who is interested in this issue. If you're

1 interested in participating on the board, contact the
2 Department of State. If you'd like us to send a specific
3 letter to your organization to see if any people there wish
4 to join, I think we can certainly do that as well.

5 E. FREEMAN: Should I put a proposal to maybe
6 reach out to the different programs that are in New York
7 State, such as Hearing Healthcare Alliance of New York,
8 HLAA, NSSLHA, and say, We are looking for people to put
9 interest into -

10 SECRETARY MOSSBERG: Yeah.

11 E. FREEMAN: -being a board.

12 SECRETARY MOSSBERG: I'm surprised that those
13 organizations aren't aware of the vacancies, but if they
14 need a specific invitation from the department, I think we
15 can - sure, we can work with both

16 E. FREEMAN: I know a couple have put names
17 forward, and I think that's where it's stalled is in the
18 next step.

19 SECRETARY MOSSBERG: Well, so the next step is -

20 E. FREEMAN: -at the individual offices of the
21 governor or -

22 SECRETARY MOSSBERG: Yes.

23 E. FREEMAN: -and so forth.

24 SECRETARY MOSSBERG: Right. So if these names
25 have been put forward and it's being stalled there, there's

1 unfortunately not much we would be able to do, particularly
2 when I see that the Senate minority has a open vacancy.

3 E. FREEMAN: Correct.

4 SECRETARY MOSSBERG: You know, the president of
5 the Senate. So it's not all within our power to fill the
6 board -

7 E. FREEMAN: Right.

8 SECRETARY MOSSBERG: -but this is definitely
9 something that we know is a problem. So certainly anyone
10 who has interest, we welcome you to contact the department.
11 But I think we can reach out to those organizations that -

12 E. FREEMAN: I believe that's been done before as
13 well.

14 SECRETARY MOSSBERG: I believe it has, but again,
15 I can't speak to that because I'm on council side -

16 E. FREEMAN: Right.

17 SECRETARY MOSSBERG: -so I'm not with program.
18 But I find it very hard to believe that those groups or
19 organizations don't know about this board and also don't
20 know about the vacancies. But if they would like a
21 specific, special invitation, I'm sure we could reach out
22 to them. All right.

23 B. CAMPBELL: Excuse me, this is a Brant from New
24 York. Just a quick question. If you can just kind of walk
25 through the process of - once you have names for people

1 that are interested in being on the board, can you describe
2 what the process is then? Does it have to be submitted to
3 the governor's office for approval, or how does that work?

4 SECRETARY MOSSBERG: So it depends -

5 B. CAMPBELL: If you know.

6 SECRETARY MOSSBERG: Well, so it depends on
7 obviously what the current vacant position is. So under
8 the statute, there are four individuals who have to be
9 licensed non-audiologist dispensers, four have to be
10 audiologist dispensers, two are going to be ordinary
11 audiologists, and then three are what the statute calls lay
12 members of the public. So depending on who the individual
13 is and what their qualifications are, then under the
14 statute, they would either go to the governor or to the
15 Senate or the Assembly for appointment.

16 So for example, the Senate - the Senate could
17 just appoint somebody and - they just appoint somebody,
18 provided that that individual satisfies the statutory
19 obligations. If it's one of the governor's appointment,
20 then they go through a different vetting process through
21 the executive chamber. And then usually what happens is if
22 somebody successfully passes that vetting process, the
23 governor's office will send a letter to the legislature and
24 to the board saying that this person has just been
25 appointed to fulfill disposition, either the audiologist or

1 the individual lay member, something like that.

2 Anyone could nominate or recommend, and you could
3 also be self-nominated, by yourself. So you don't have to
4 be chosen necessarily, as it were. You just have to be
5 appointed by the appropriate designated authority.

6 E. FREEMAN: So here's a question, and maybe
7 we've covered it. I'm sure we have at one point or
8 another. How can we find out the status of someone's
9 request to come out to the meeting?

10 SECRETARY MOSSBERG: So if somebody actually
11 submitted a request and has gone through the process, if it
12 was a governor's appointment, we would be able to ask if we
13 get an update from the governor's office. It's not like we
14 could obviously tell them, as governor, to forward an
15 appointment, to tell us a lot of information.

16 E. FREEMAN: So if it's stalled, it's stalled.

17 SECRETARY MOSSBERG: If it's stalled, it's
18 stalled, and - or it may have been denied and they don't
19 tell us. They don't have to tell us. And if it's one of
20 those other appointing authorities, then there's little
21 oversight, so we can't, for example, go to the speakers of
22 the Assembly or the Senate, demand that they tell us what's
23 going on with their appointments.

24 E. FREEMAN: But if you do want the names to come
25 originally through the Department of State, now we're just

1 getting right to the -

2 SECRETARY MOSSBERG: I mean, certainly with us,
3 if we know about it, then there is more opportunity for us
4 to try to follow up on it. Whereas if somebody went
5 directly to one of those other appointing offices, we would
6 have less opportunity to try to follow up, whereas if it
7 came through us, we could say, Well, we know we sent it on
8 this day, right? We know that this person meets this
9 criteria. There's more opportunity in sort of, I think,
10 it's appropriate rational and reasonable for us to assume
11 that that's why we're following up. That's certainly not
12 required at all.

13 So again, going back to the agenda, there were no
14 public comments in New York City, is that correct?

15 B. CAMPBELL: I think that's accurate.

16 J. BERGMAN: Correct. Nothing further, thank you.

17 SECRETARY MOSSBERG: And I'm seeing that we do
18 have members of the public in Albany. Does any member of
19 the public wish to speak? And just for the court reporter,
20 just say your name. This is the mic back here.

21 F. GOOSSEN: You don't have to speak up like
22 somebody - like you used to have to do?

23 SECRETARY MOSSBERG: I don't think you have to do
24 that. But hopefully the court reporter can hear you.

25 F. GOOSSEN: Okay. My name is Fred Goossen. I'm

1 the executive director of the Hearing Healthcare Alliance
2 of New York. And we have several - we've been involved
3 with this 37-A catch for the last 27 years. We have
4 several concerns, and one of them, I'll just pick up on the
5 one you just talked about, Barbara will flesh it out even
6 more: the appointment procedure. And I don't think people
7 are clear on how that works. Barbara Ahern is our attorney
8 and our legislative representative. She'll carry that
9 further.

10 But I do have - I do want to thank right off the
11 bat, this young lady, Alison Lacey. I have had personal
12 health problems over the last year, and I'm only three and
13 a half months behind the rules, and to get our conference,
14 which comes up in Saratoga on the 10th - 10th and 11th.
15 We get to have - also see the Belmont Stakes kind of
16 moving away when we move in.

17 But the application, we're out-of-date, and very
18 helpfully, wonderfully, I sent them along and then picked
19 up some others, and use your office responded so quickly to
20 that one missed balance of the technical roundtable - that
21 I used the wrong number on - typing on the application is
22 a very difficult thing to do, trying to find the darn
23 lines. So I - but I thank you. But boy, you were so
24 great, you were on that immediately, so give me a chance to
25 resubmit.

1 And I just wanted to make it clear, that we have
2 had great - we've both had great relationships with the
3 department in this issue. We'll be offering 11 and a half
4 credits, CU credits, during that period, and presently we
5 have 155 hearing - registered hearing aid dispensers
6 registered at the event. We hold it every year. It is
7 planned specifically so that if everybody comes every year,
8 they have - they get 23 credits. None of them are repeat
9 information, all have to be new. And it makes it very
10 possible for people to continue that.

11 But thank you very much, Alison, for that. And
12 that was - you do need to come up - why don't you come up
13 two days early and go to the Belmont Stakes? On Sunday
14 night, our room is at \$179, on Friday night, it's at
15 \$2,000.

16 UNIDENTIFIED SPEAKER: That's crazy.

17 F. GOOSSEN: Yeah. Going back to one point,
18 dealing with OTC. And it laps over into another area that
19 we've talked about before in these meetings, which is
20 online sales of hearing aids. We now have Joe Namath
21 advertising OTC hearing aids online and talking about this
22 OTC. However, the advertisement lapses over into the kinds
23 of benefits that people would receive with prescription
24 hearing aids. Where is - where do we - where is that mix
25 between the AG's office and the Department of State in

1 terms of regulating that issue? And we've all had problems
2 with online sales of hearing aids. They're classifying
3 them as hearing aids and also saying, We can give you a
4 test online. Now that's against the law, that's against
5 37-A. You cannot give - has to be a live test.

6 SECRETARY MOSSBERG: So I don't want to speak to
7 this - of the Attorney General's office, but it's our
8 understanding that the device is a physical instrument, and
9 it's either categorized under the FDA rules as an OTC or
10 not. And it's sort of like the one issue where I can
11 answer a hypothetical very easily, is if the actual device
12 itself, instrumentality to be sold, is an OTC, it's beyond
13 the Department of State regulation. So if a celebrity or
14 even a non-celebrity is selling a product, a device that is
15 categorized appropriately and lawfully as an OTC, it's
16 beyond the department's jurisdiction.

17 F. GOOSSEN: However, if online sales are talking
18 and selling products that are programable, that they offer
19 a test to be taken online, they're selling hearing aids in
20 New York State without following the procedures and
21 requirements for the sale of a - of a hearing aid.

22 SECRETARY MOSSBERG: There's no - so, that
23 particular instrument, you're saying is not an OTC?

24 F. GOOSSEN: No. These have been advertised for
25 years online. They are fully functional hearing aids.

1 They are programable. Not only that, but the advertisement
2 says that - well, they are - now, they're defined as
3 prescription hearing aids, and a prescription hearing aid
4 requires an audiological evaluation - or examination,
5 right, but not face-to-face. You have to - you have to
6 look in people's ears. You have to do - you have to do
7 both for it. None of those happening, you can't do that
8 online.

9 SECRETARY MOSSBERG: Again it, under that
10 hypothetical - I'm assuming certain facts that these are
11 prescriptive devices being sold over the internet by a non-
12 registered dispenser.

13 F. GOOSSEN: Correct.

14 SECRETARY MOSSBERG: I don't want to speak to the
15 jurisdiction of my colleague at the office of the Attorney
16 General, but that would appear to be something beyond our
17 scope of jurisdiction.

18 F. GOOSSEN: What would - if I were - if I were
19 a non-registered person selling hearing aids, giving tests,
20 looking in people's ears, doing all that stuff, who would
21 be prosecuting me? You or them? But in my office, I don't
22 have a license; I don't have registration. I'm just
23 selling hearing aids.

24 SECRETARY MOSSBERG: To the best of my knowledge,
25 it sounds as if this might be an issue of persistent

1 illegality, and issues of persistent illegality under the
2 executive law, to the best of my knowledge, do not fall
3 within the Secretary of State's jurisdiction.

4 B. CAMPBELL: This is Grant from New York City.
5 So the Attorney General's office, whether it's through -
6 I'm a member of the Healthcare Bureau, we also have a
7 Consumer Frauds Bureau that often deals with these types of
8 complaints. 63(12) - Executive Law 63(12) does allow our
9 office, the Attorney General, to pursue, civilly, matters
10 that are deemed fraudulent and deceptive business
11 practices. So that is something that we do have the
12 authority to look into.

13 E. FREEMAN: So would that be where, as Mr.
14 Goossen expressed, if a provider in New York State that is
15 a registered dispenser participates in online sales by
16 doing an evaluation online, selling online -

17 SECRETARY MOSSBERG: I believe this fact pattern
18 was that they weren't registered, they weren't licensed by
19 us.

20 E. FREEMAN: Let me add, then -

21 SECRETARY MOSSBERG: That's the fact pattern.

22 E. FREEMAN: I understand that. So whether they
23 are not licensed or registered by us or they are simply
24 performing an online evaluation and selling the prescribed,
25 let's say manufacturer ABC, and it's a product that I can

1 carry in my office, and they're selling it online. If
2 that's not legal in the State of New York, how do we go
3 about minimizing those? Because that's very deceptive.

4 If they're supposed to be selling on OTC, that's
5 a different category versus a prescribed hearing aid. So
6 if it's a prescribed hearing aid, we should be able to
7 follow the rules and regulations. So how do we make sure
8 that the - that the Attorney General's office then is able
9 to follow up or minimize those issues?

10 F. GOOSSEN: This is a rollover from ordering
11 hearing aids here by mail.

12 SECRETARY MOSSBERG: Right.

13 F. GOOSSEN: This is the same thing as by mail.
14 The by mail -

15 SECRETARY MOSSBERG: Right.

16 F. GOOSSEN: -issue, except they're using -

17 SECRETARY MOSSBERG: The internet.

18 F. GOOSSEN: -the internet. And they're selling
19 real-life hearing aids, and they are saying they can do
20 everything that New York State requires, except none of it
21 is live. And they refer to audiologists, they refer to
22 some of those people, but that doesn't fit the part of what
23 a New York State salary hearing aid - New York State
24 requires of a dispenser.

25 SECRETARY MOSSBERG: I mean, and I want to thank

1 the - Brant from the Attorney General's office. I think
2 the most easily understood way of trying to determine
3 what's appropriate or not would be looking at who the actor
4 is. And so as a board, obviously the board has no
5 enforcement power, so we shouldn't be talking about
6 specific identities or anything like that. Because that
7 would be inappropriate.

8 But if, for example, the actor that could be
9 identified is somebody who's registered by us, right? So
10 they have a license number from the Secretary of State's
11 office, and it is believed that that actor is not complying
12 with Article 37-A, then there's potentially two avenues for
13 jurisdiction, right? The Attorney General's office has the
14 civil injunctive relief, and then we have the
15 administrative disciplinary actions.

16 B. CAMPBELL: Correct.

17 SECRETARY MOSSBERG: Okay. So that would be -
18 if that actor falls in that bucket if the actor is
19 completely unrepresented, so they do not have a license
20 from us, and yet they are engaged in acts of persistent
21 illegality or deceptive practices, as what was said by
22 Brant, then that may be something that the Attorney
23 General's office may have some oversight in. Again, I
24 can't speak to that specifically, but I would say that if
25 there are concerns, complaints should be brought to the

1 appropriate agencies. And I know on our website, we have a
2 complaint form. I trust that the Office of the Attorney
3 General has some sort of public portal where people could
4 lodge complaints as well.

5 B. CAMPBELL: We certainly - we certainly do
6 just - we have a new - you can file a complaint online.
7 Depending on the bureau, if you - the Healthcare Bureau
8 also has a telephone line where you can call in and file a
9 complaint as well.

10 F. GOOSSEN: So if I were to purchase a hearing
11 aid online, fully up, and go through whatever permits they
12 say they're delivering, I can now can take them to court
13 because I purchased them from a non-registered hearing aid
14 dispensing business, non-registered hearing aid dispensing
15 operation on this 37-A, in the State of New York?

16 SECRETARY MOSSBERG: So I don't know if any board
17 member necessarily feels comfortable giving legal advice
18 about you going to court. There's also - I don't
19 understand the standing - you personally filed a lawsuit
20 or you personally filing a complaint before an appropriate
21 investigative body to look into the issue.

22 F. GOOSSEN: Okay.

23 SECRETARY MOSSBERG: But I think, as Brant said,
24 certainly an unlicensed actor selling a product that should
25 not be sold in New York under illegal circumstances might

1 be best viewed by the healthcare fraud sphere or some
2 bureau in the Attorney General's office.

3 B. CAMPBELL: Right. So again, we don't do
4 individual representation, but when complaints are made -
5 so I'll say there are two tiers. If an individual were to
6 be in a situation where they ended up buying a product from
7 an unlicensed person that turns out to be a hearing aid
8 that should have been prescribed through a prescription,
9 and they had a problem with it - it's not working, they
10 were harmed by it in some way, they are trying to recover
11 money back for that purchase. And we have services where
12 we try to mediate those disputes.

13 The part that I work on as an attorney in the
14 office is if we find that that individual may not just be a
15 one-off situation, there might be other New Yorkers that
16 are similarly in that situation where they have purchased
17 an over-the-counter hearing aid, but it hasn't - sorry,
18 when they've purchased a prescription hearing aid from a
19 non-licensed provider, and they are harmed by it, then that
20 might be grounds for our office to open an investigation
21 into that company to find out what exactly they're doing,
22 how many New Yorkers have been impacted, and if there's a
23 way for us to either get them to stop doing that behavior,
24 and possibly to recover money for harm to consumers. But
25 that's on behalf of the State, not on behalf of an

1 individual. We're not doing an individual representation.

2 UNIDENTIFIED SPEAKER: Your turn.

3 B. AHERN: Okay, I think I'm moving into the
4 public comments here. Hello, my name is Barbara Ahern. I
5 work with Fred Goossen, who is the executive director of
6 the Hearing Healthcare Alliance. I am the legislative
7 representative and counsel for the organization.

8 And I want to say, I think this underlies a lot
9 of what Fred was saying, and part of what Eric was saying,
10 we are very happy to see that the Department of State is
11 going to be holding these meetings again regularly. The
12 Hearing Healthcare Alliance has worked with the Department,
13 I think, since the passage of the current hearing aid
14 dispensing law, what Fred refers to as Article 37-A, that's
15 in the general business law. But we need the kind of
16 advice that members of the board ask for and receive at
17 these meetings, and that the department staff is able to
18 provide in response to their questions and to our questions
19 and comments.

20 There has been a gap since the last meeting, and
21 usually we would see in the meeting packet at least a
22 meeting summary of the prior meeting. If there was no
23 quorum, it wouldn't be minutes, but the Department has
24 always done a meeting summary. And so I hope that will be
25 done again, and that these discussions, which are very

1 important, will be summarized and provided in the packet
2 for the August meeting that Candy has already set up and
3 announced here.

4 Some of the other things that are usually
5 provided at this meeting are a series of reports from the
6 department. And I pulled out an old agenda, and it has an
7 enforcement report, a processing report, an education
8 report, and an examination report. I think that different
9 pieces of information in each of those reports are
10 important to different members of the public or members of
11 the advisory board, and I hope that they will be integrated
12 into future meetings as well.

13 I am particularly interested in the enforcement
14 report that is given because I am called upon to, well, to
15 provide the CEU course that is given as part of Fred's
16 meeting every year on New York State laws and regulations.
17 And if I know what kind of enforcement is being done, what
18 kind of complaints are being made against dispensers who
19 are not complying with specific sections, I can make that
20 an even more important part of my presentation every year.

21 So I think we work together to make sure that all
22 of the different consumer protections that are in Article
23 37-A are communicated to dispensers, that they recognize
24 the importance of them, and if the hammer has to come down,
25 that they recognize that there is enforcement also. So I

1 am most interested in seeing that report once again
2 provided to us.

3 And at the risk of beating a dead horse, I want
4 to talk once again about the missing members of this
5 advisory board. And we have worked with the department to
6 try and get many of the vacancies filled. So there was
7 some very general talk about this, but approximately two
8 years ago one of the deputy secretaries of state, Whitney
9 Clark (ph.), who was overseeing this board at the time, and
10 maybe she still is, asked the hearing Healthcare Alliance
11 for recommendations for the two vacancies that were non-
12 audiologist dispensers and governor's appointments.

13 And we went through our membership and people
14 that weren't members and came up with two folks. They
15 provided all the information to the department. The
16 department subsequently provided it to the governor's
17 office. And we can't get any information on that because
18 it was a recommendation from the Department of State.

19 So we really do need the department to see if
20 there is any information that you can get from the
21 appointments office in the governor's office, whether it's
22 delayed but they're still under consideration, or if they
23 have been rejected, we'll provide other people. But let's
24 not have this just sit there with no information and no
25 action. Again, we want to work with you to get those

1 vacancies filled.

2 And we do take responsibility for the third
3 vacancy on the board of non-audiologist dispensers, and
4 that it would be appointed by Senate majority leader. And
5 we are finding someone who will approach the Senate
6 majority leader and ask to be appointed. So we're all
7 working on it. Some of them, we really need you to do what
8 you can to at least find out what's going on. If you need
9 additional names, we can give them to you. If not, I don't
10 know if you can push the governor's office, but we don't
11 have the ability to do that. On the third one, we do have
12 the ability to see if we can get some action, and we are
13 working on.

14 SECRETARY MOSSBERG: But then that third one is
15 through the Senate.

16 B. AHERN: The third one is through the Senate,
17 right.

18 SECRETARY MOSSBERG: So you know, first, I just
19 want to thank you for at least acknowledging that we are
20 working with you and trying to get board members seated so
21 that we don't have issues on vacancy. Right after this
22 meeting, if you happen to know these people's names, like
23 Candy, as soon as this meeting is over, I'll jot it down
24 and I'll go walk over to the office and I'll see what I
25 can -

1 B. AHERN: Thank you very much. I really
2 appreciate that.

3 SECRETARY MOSSBERG: But again, also, the
4 vacancies for people that you have in mind, please always
5 feel free to look them up. So thank you then to you for
6 giving us some answers. All right. So there's no other
7 members from me.

8 F. GOOSSEN: Excuse me.

9 SECRETARY MOSSBERG: I'm sorry, one more?

10 F. GOOSSEN: Oh, you can listen to me for ten
11 years, you know exactly what I do: keep talking. But it
12 has to do - Barbara and I and Eric and Carl Case, we are
13 the Ghostbusters of the hearing aid dispensers, because who
14 are you going to call? And we get the call. We get the
15 call. We get the call regarding renewals. We get the call
16 regarding the information or something that has been sent
17 in and no response is taken. We get the call, lucky that
18 we're there.

19 And it's very difficult because a lot - a lot of
20 calls aren't answered when you know you're very short of
21 staff, answer - no one - it's a big change from Denise
22 (ph.) and the crew that we lived with for years, and Mark
23 (ph.), they all - we just don't know what to do. And
24 because people are - their livelihood is hung on. Of
25 course, I have a - I have a person who, you know a date,

1 it's the 14th of - 14th of June, she's going to get her
2 remaining credits on the 10th.

3 So, is there a grace period, is it a problem?
4 We're hoping the best way for us, for us to refer them to
5 someone. We're not going to - we're not going to - we
6 can't answer the question, but we certainly - we'd like to
7 help them out and help you guys out, because we have - we
8 know lots of things about this stuff. And if you have
9 questions, I know back when the first audits were taken -
10 were being taken, I spent a lot of time with a fellow
11 named, was it Bill (ph.)? All by himself in New York City.
12 And he was conducting all the offices for the - bunch for
13 the for the whole state. He spent a lot of time explaining
14 those things.

15 But we're really here to help as much as we can,
16 because I know that you have staff members or shortness. A
17 lot of them have little experience in hearing aid
18 dispensing situation. We don't view it as an adversarial
19 - I mean, the fact that Alison and I - she read me the
20 riot act last year. I got a two-page letter out of her.
21 But we got it straight now, and because - because we are
22 the resource for almost 180 to 190 registered hearing aid
23 dispensers in New York State for their renewals and for
24 their registrations, their trainings.

25 So we really - we really appreciate the help,

1 and certification of simple procedures needs to be
2 followed. Is that - that's just a request procedurally
3 that maybe - that staff can look at it. But what's the
4 best way we have - you guys are living it.

5 SECRETARY MOSSBERG: Why don't after this
6 meeting, we'll figure out if there's somebody - a
7 procedure that might be able to - somebody's -

8 E. FREEMAN: Like somebody we can reach out to -

9 SECRETARY MOSSBERG: Like the - like a
10 specific -

11 E. FREEMAN: -but not flag their contact
12 information, but we can directly give that information to
13 you so it is managed internally.

14 SECRETARY MOSSBERG: Yeah.

15 E. FREEMAN: Because I do have the phone number
16 and I have the email.

17 SECRETARY MOSSBERG: Exactly.

18 A. LACEY: Customer - this is customer service.

19 E. FREEMAN: Through customer service. Email
20 them at dot New York dot gov, and I got the 4429 number.
21 So - but when it gets called or something doesn't get
22 returned, or maybe someone's not - there's lack of
23 communication from one point to another. How do we
24 expedite some information to the provider so they can
25 continue their livelihood?

1 A. LACEY: One thing I would recommend is that
2 they don't wait until their license is going to expire to
3 get the requirements -

4 F. GOOSSEN: Understood, but we also had a
5 situation in which it was nine months after the check was
6 cashed, and whatever bank it was held a hearing and heard
7 nothing about the renewal information. The check was
8 cashed. I say if they cashed a check, they must have
9 approved it. But the person didn't know where to call to
10 get - to get stuff back.

11 SECRETARY MOSSBERG: I mean, nine months does
12 sound a little bit excessive -

13 F. GOOSSEN: Oh, it was.

14 SECRETARY MOSSBERG: -especially if there was no
15 back and forth dialogue. I find that a little bit
16 surprising.

17 F. GOOSSEN: Oh, it's very surprising.

18 A. LACEY: I stayed on the Education Board -

19 SECRETARY MOSSBERG: -of the process, but that
20 4-4 number, is that - that they'll be able to provide.

21 F. GOOSSEN: Okay, very good.

22 SECRETARY MOSSBERG: That person would call -

23 F. GOOSSEN: Great, thank you.

24 SECRETARY MOSSBERG: -and at least acknowledge
25 that it was received or get logged in or -

1 F. GOOSEN: Thank you.

2 SECRETARY MOSSBERG: -something like that.

3 Sure.

4 A. LACEY: Also email help at D-O-S -

5 UNIDENTIFIED FEMALE SPEAKER: Who's speaking?

6 A. LACEY: -dot ny dot G-O-V. H-E-L-P.

7 J. PUNNIT: Great. That's a good word.

8 E. FREEMAN: Help at dos dot ny dot gov?

9 A. LACEY: Yes. Currently responding in about
10 two business days.

11 E. FREEMAN: Great, because I have been receiving

12 - because I'm on the Board, I do get people responding.

13 And I mentioned earlier to Candace (ph.), I'm on a couple

14 different forums online and so forth, and New York's -

15 they're beating up on New York pretty good, even to the

16 point of - I've had people respond with, I can't move to

17 New York; there's no way to get registered in New York

18 without going through a minimum six-month period. And

19 that's someone's that's been a dispenser for five, ten

20 years.

21 So I guess if - one part of the question I did

22 raise, I think, before is how can we improve -

23 reciprocity's not the term, but access for people that want

24 to come into New York State, a procedure so when that -

25 people will meet our standards, but maybe they don't have

1 two-year degree but they've been practicing for ten years.
2 For example, if I say that in the great state of Denver
3 (sic), you don't have to have a two-year degree, but if a
4 person wants to become a provider, move to New York State
5 from Colorado. It can't - they can't become a provider
6 because they're missing a three-year degree, but they have
7 ten years of experience.

8 Can we look at developing a process, an
9 acceptable process, for ascertaining more providers? That
10 would be one part, because without that, we are losing
11 providers to other states because they're retiring and
12 moving. And I can speak for myself: it's really hard to
13 find a provider. So there's lack of access.

14 And the second piece was when this was started,
15 was it 27 years ago, the program was supposed to be part of
16 what program was initiated for education in the SUNY
17 system. So how can we look at getting a program initiated
18 training hearings instrument specialists, so when they
19 graduate, they enter the workforce with a degree in hearing
20 instrument specialists? Still obtaining and. So I'll take
21 the task to the education, which falls under the Department
22 of State.

23 F. GOOSSEN: Eric? I think the reality of that
24 situation is that in the beginning they were going to
25 develop 60 hours. Some of what designated course were

1 contained within that 60 hours as opposed to blanket. Not
2 a - not a gullibility - well, it does refer to an
3 educational organization and so on and so forth. But the
4 60 hours was there.

5 Mark, the customer, and I were talking a long
6 time about somebody who's dispensing in another state for
7 25 years in one unblemished career. But he come in here
8 because the match - they didn't have a six-month test or
9 three-month test back 25 years ago. And so that poor
10 person coming in in New York State had to start as a
11 trainee as opposed to saying, Well you got 25 years of
12 experience, maybe you don't need to be a trainee. Maybe
13 you need to take the written exam, or maybe you need to
14 take the Bachelor's exam like audiologists do because
15 you've had X number of -

16 But I think - we might - I'd be asking the
17 department and maybe this board to put together some
18 criteria so that it would speed that process up for these
19 people who want to come in and bring business to the state,
20 open businesses in the state, but making it easier because,
21 right now, they're compared to a trainee, even though
22 they've been doing this in this practice for 5, 10, 15
23 years.

24 SECRETARY MOSSBERG: So I don't know the answer
25 offhand. I vaguely recall looking into this issue at the

1 request of a board member some time ago, many years ago.
2 Best I can recall offhand is I believe it was a statutory
3 restriction which would be that this would not be something
4 that - that this board can do regulatory. But I don't
5 want to say something that I don't have a 100 percent
6 certainty.

7 F. GOOSSEN: Okay.

8 SECRETARY MOSSBERG: But I can look into that for
9 the next Board meeting just to confirm, are - is this
10 criteria established in statute? And if it is, the issue
11 therefore is that it requires a legislative fix. It's not
12 something that this board and secretary would be able to do
13 on the board to act - the Board would be able to act
14 independently, or even do that sort of thing.

15 E. FREEMAN: And if it's a regular legislative
16 fix, then that's got to be brought to a particular
17 legislator and get that next step.

18 SECRETARY MOSSBERG: Yes. Got to go through the
19 entire legislative process. Bills passed in both houses -

20 E. FREEMAN: But it can't go through the advisory
21 board.

22 SECRETARY MOSSBERG: It wouldn't go through the
23 advisory board. It's statute. So if I mean, it
24 wouldn't be something that this board would have direct
25 involvement in necessarily. I mean, the board could

1 potentially say whether or not as a policy perspective they
2 thought it was good or bad. But let's be honest with you,
3 I'm not even so sure that it's entirely within the
4 statutory purview of the board, so I'd have to look at that
5 as well. So - but I can look into the statutes to see if
6 it's a statutory restriction versus anything else.

7 E. FREEMAN: Which we'll look into, as you said,
8 you can't quote (indiscernible) and provide members of the
9 board with the process to establish that it has to go in
10 that direction.

11 SECRETARY MOSSBERG: I mean, if it's a statutory
12 issue, which to the best of my recollection it is, the
13 process is it's got to be a state assembly person or
14 senator needs to decide that there's marriage there, tie
15 resources, propose a bill. It goes through the same
16 legislative process any other state law does; it goes to
17 various houses and is passed by both houses. And then once
18 it's passed by both houses, it goes to the governor for
19 signing.

20 F. GOOSSEN: I don't think we're asking about
21 reciprocity as opposed to setting up -

22 SECRETARY MOSSBERG: Like a different method - a
23 different process to become licensed. So we have one of
24 those processes for appearance enhancement I believe, where
25 somebody who's business relations has been practicing in

1 another jurisdiction, they have different requirements to
2 become licensed in the state. That's - that exists in
3 statute, though. I don't know if a similar provision
4 exists.

5 J. PUNNIT: I don't think we have a provision for
6 honesty in the law or record. I don't think that's right.

7 SECRETARY MOSSBERG: But I tell them to ask the
8 question, look into it. That's just a statutory thing. So
9 if the statute says these are the requirements and this is
10 the only way to do it, then the statute -

11 E. FREEMAN: Have to change the statute on that,
12 get me more legislative changes.

13 SECRETARY MOSSBERG: Great. There'll be no
14 further public comment. I want to thank everybody for
15 hearing and participating today. I'm going to close the
16 meeting at 11:53 a.m. Thank you, everybody.

17 (Time Noted 11:53 a.m.)

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Derek Sonderfan, certify that the foregoing transcript of proceedings was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: Derek Sonderfan

Agency Name: eScribers, LLC

Address of Agency: 7227 North 16th Street
Suite 207
Phoenix, AZ 85020

Date: May 29, 2024