

74019

DATE: January 16, 2020

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD
Commissioner of Health

RE: Authorization to Enter into Contracts with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini, Ilan D. Gilbert, Judith A. Woods and Paula Johnson Kelly as Hearing Officers, for the Term 3/1/20 through 2/28/21, for a total aggregate not-to-exceed amount of \$75,000 payable at the stated contract rates.

The County of Westchester acting by and through its Department of Health (the "WCDH") seeks authorization to enter into contracts with each of the following persons: Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini, Ilan D. Gilbert, Judith A. Woods and Paula Johnson Kelly as Hearing Officers, for the term 3/1/20 through 2/28/21, for a total aggregate not-to-exceed amount of \$75,000 payable at the stated contract rates.

The WCDH shall pay the Hearing Officers a per diem fee calculated at the rate of \$125 per hour, not-to-exceed \$750 in any one day and \$50 for each Report of Findings issued.

These contracts promote the public health and general welfare of County residents by enforcement of the Public Health Laws of the State of New York and the Westchester County Sanitary Codes. The Hearing Officers preside over and adjudicate cases regarding violations concerning health and safety, and provide County residents their due process during the Administrative Hearing process. The goal is to have professional, experienced, objective representation and interpretation of code rules and regulations, and report the case findings before the Westchester County Board of Health ("Board").

As written in the Uniform Procedures for the Designation of Hearing Officers in accordance with the Public Health Laws of the State of New York and Laws of Westchester County (see attachment), the Board is "responsible for and authorized to designate by resolution qualified persons as Hearing Officers" on an annual basis. The above-named Hearing Officers have been reviewed and approved as qualified to act as Hearing Officers by the Board at its January 2020 meeting.

These contracts will be tracked and monitored by the WCDH's and Board of Health's monthly review of cases and findings and periodic meetings with the Hearing Officers. In 2019 the Hearing Officers presided over approximately 2,086 cases involving various sanitary code and public health law violations.

By Resolution submitted concurrently on this date, we request your Honorable Board to determine that application of the procedural requirements for procurement be waived in accordance with Section 3(a) xxi of the Westchester County Procurement Policy as it is not in the best interest of the County.

Authorization is respectfully requested to enter into separate contracts with Susan H. Brailey, Joseph C. LoCascio, Robert Ponzini, Ilan D. Gilbert, Judith A. Woods and Paula Johnson Kelly as Hearing Officers, at the aforementioned rates for a total aggregate not-to-exceed amount of \$75,000.

Attachment

