

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

Antonio Sarantos,
Appellant

v.

D-02-895

Massachusetts Department Of Correction
Respondent

Appellant's Attorney:

Stephen Plaff, Esq.
Merrick, Louison & Costello, LLP
67 Batterymarch Street
Boston, MA 02110

Respondent's Attorney:

Amy Joyce, Esq.
Department of Correction
Legal Division
70 Franklin Street- Suite 600
Boston, MA 02110

Commissioner:

John E. Taylor

DECISION

Pursuant to the provisions of G.L. c. 31, §§ 41 and 43, the Appellant, Antonios Sarantos, is appealing the actions of the Appointing Authority, the Department of Correction (“DOC” or “Department”) in November 2002, terminating him for violations of the General Policy and Rules 1, 2, 8, 18, and 19 of the Rules and Regulations Governing All Employees of the Massachusetts Department of Corrections (“Blue Book”). The Appellant filed a timely appeal. A pre-hearing conference was held May 9, 2003. A full hearing was held on February 23, 2005 before Commissioner John E. Taylor. Two tapes were made of the hearing. As no notice was received from either party, the hearing was declared private. Respondent submitted a post-hearing brief; the Appellant did not. Respondent submitted additional post-hearing evidence to the Commission on August 29, 2005. Commissioner Taylor allowed Appellant’s motion to strike Respondent’s post-hearing evidence on September 20, 2005.

FINDINGS OF FACT

Based upon the items entered into evidence (Joint Exhibits 1-9, Respondent’s Exhibits 1-14, Appellant’s Exhibits 1-5), the testimony of the Appellant, Antonio Sarantos, Sergeant Al Saucier, Coordinator Kelly Correira, and Labor Relations Advisor Christopher Simonelli, I make the following finds of fact:

- 1) The Appellant was hired as a Correction Officer at MCI Walpole in 1984. Approximately two years afterwards, he was appointed as Sergeant. In 1997, he was promoted as a Lieutenant and was transferred to Norfolk prison. In 1998, Appellant left Norfolk and was transferred to the Massachusetts Treatment Center, another part of the DOC. (Testimony of Appellant).
- 2) The Appellant has amassed a considerable disciplinary history while working for the DOC. Specifically, the Appellant has prior disciplines that have included five

(5) suspensions, three (3) of these suspensions were for lack of truth-related offenses (Respondent Exhibit 10).

- 3) Appellant's prior disciplines include: (1) on April 22, 2002, Appellant received a ten (10) day suspension for ordering another officer to make false log entries; (2) on March 11, 2002, Appellant received a three (3) day suspension for submitting for overtime as the Shift Commander when he had arrived at work late; (3) on December 10, 2001, Appellant received a one (1) day suspension for a verbal confrontation with a subordinate; (4) on June 5, 2001, Appellant received a one (1) day suspension for falsifying his time card and attendance calendar; (5) on February 26, 2001, Appellant received a written warning for inappropriate comments he made about another staff member; (6) on July 31, 2000, Appellant received a reprimand for failing to take proper action when he was notified that keys were missing; (7) and on November 8, 1993, Appellant received a one (1) day suspension because he failed to follow an order and refused to write a report.
- 4) On April 17, 2002, Appellant was on the 11:00 p.m.-7:00 a.m. shift in charge of the corridor. These duties include supervision of an estimated 40 staff members and an estimated 600 inmates. An inmate appeared to be unconscious and was lying down in his cell, unresponsive to the officers. At the time, Appellant responded to an alarm and lifted the inmate up. Appellant heard a pop in his back and went to the emergency room (Testimony of Appellant).
- 5) Appellant went to Jordan Hospital Emergency Room immediately following the incident on April 17, 2002. X-rays were taken, and no fracture or abnormality was seen. It was noted that Appellant's discomfort was sufficient to require parenteral medication for his pain, and he was subsequently given Percocet and Flexeril and was discharged on April 17, 2002 after the evaluation (Joint Exhibit 5).

- 6) As a result of the April 17th injury, Appellant was out on Industrial Accident Leave from April 17, 2002 through October 4, 2002. Throughout this period, the DOC paid Lt. Sarantos temporary total disability benefits under G.L c. 152, §34 (Joint Stipulation of Facts).
- 7) During the period from April 17, 2002 through October 4, 2002 the Appellant received a weekly sum of \$849.40 (tax free) in total disability benefits and \$368.00(taxed) in violence pay (Joint Exhibit 3-4; Testimony of Kelly Correira).
- 8) While receiving temporary total disability benefits, Appellant repeatedly claimed that he was not able to work and did not work. Specifically, Appellant repeatedly signed checks stating, “I acknowledge that this check is in payment of total disability benefits because of my inability to work during the claimed compensable period indicated below. I also certify that during said claimed compensable period I was not able to work and did not work in self employment or work with any employer” (Joint Exhibit 3).
- 9) Appellant testified that he never has suffered any type of back injury that he can recall prior to April 17,2002 (Testimony of Appellant).
- 10) However, Respondent offered into evidence the Sick Leave form marked “Friday 30, 1986” filled out by the Appellant, which documented that Appellant experienced back pain as a result of a motor vehicle accident and was forced to take a one-day sick leave in 1986. The Appellant testified that he did not, as a result of this injury, need an MRI, physical therapy, evaluation by a number of Doctors, an IME (at the behest of the DOC), or suffer any residual pain shortly thereafter (Respondent Exhibit12; Testimony of Appellant).
- 11) Respondent offered into evidence the Sick Leave form marked “November 22-24 1986” filled out by the Appellant, which documented that Appellant suffered a

- back injury from a possible industrial accident as a result of a fight in November of 1986 and took a three-day sick leave. The Appellant testified that he did not, as a result of this injury need an MRI, physical therapy, evaluation by a number of Doctors, an IME (at the behest of the DOC), or suffer any residual pain shortly thereafter (Respondent Exhibit 13; Testimony of Appellant).
- 12) Appellant had been the co-owner of a West Britannia Street bar, T.J. Gupee, in Taunton, Ma., for approximately three years at the time of the Full Hearing, February 23, 2005 (Testimony of Appellant). Thus, it appears that the Appellant co-owned the bar at the time of the incident here.
- 13) On May 8, 2002, Kelly Correia, a Worker's Compensation Coordinator for the DOC, issued an investigation memorandum to Frank Yee, who was addressing Workers' Compensation claims from Human Resources. The memorandum mentions that the DOC received information that the Appellant and Thomas Cordeiro, co-owner of T.J. Gupee with Appellant, recently bought a bar. The memorandum goes on to mention the address of the bar and that the DOC received information that the Appellant may be working there. (Joint Exhibit 1).
- 14) Sergeant Al Saucier had been an investigator for the DOC's Internal Affairs office since 1989. His primary duties were to investigate matters relating to possible violations of Department rules by inmates and employees. He began an investigation of the Appellant towards the end of June 2002 (Testimony of Sgt. Al Saucier).
- 15) On July 11, 2002, Sgt. Saucier went into TJ Gupee to investigate the Appellant. He arrived at approximately 7:00 p.m. and left around 8:30 p.m.; there was no sign of the Appellant (Testimony of Sgt. Al Saucier).
- 16) On July 15, 2002, Sgt. Saucier entered TJ Gupee at 7:30 p.m. and remained for approximately 1 and ½ hours. Sgt. Saucier observed the Appellant conducting

- what he described as “bar tending duties,” including: (1) talking to patrons (2) serving drinks to customers from behind the bar; (3) using the cash register; and (4) slightly bending over into a cooler to pick up beers (at one point Sgt. Saucier observed Appellant picking up approximately 4-5 beers at a time) (Testimony of Sgt. Al Saucier).
- 17) On July 29, 2002, Sgt. Saucier entered TJ Gupee with Captain Donald Drischell at 10:30 p.m. and remained until a little after midnight. During this time period, Sgt. Saucier observed the same activities as he did in the aforementioned July 15, 2002 investigation (Testimony of Sgt. Al Saucier).
- 18) Sgt. Saucier received a photocopy of a newspaper article from the Taunton Daily Gazette dated August 21, 2002, which mentions an altercation that took place at T.J. Gupee between Timothy Silvia, an ex-convict who was housed at MCI-Norfolk, where Appellant had worked, and a woman who he allegedly struck with a pool cue on August 17, 2002 (Testimony of Sgt. Al Saucier; Respondent Exhibit 2; Joint Exhibit 9).
- 19) The August 21, 2002 news article reports that Silvia and the Appellant are friends. DOC rules require employees to report contact with ex-convicts. There is no evidence that the Appellant reported this (Respondent Exhibit 2).
- 20) According to witnesses’ statements taken in furtherance of the police investigation into the August 17, 2002 incident at T.J. Gupee, Appellant, at one point in the evening, jumped the bar to break up a fight between two women. Later in the evening, one of the women who was involved in the earlier fracas, returned to the bar and was struck over the head two to three times with a pool stick by Silvia. Appellant “came around the bar and walked right by [the victim] laying on the floor screaming and bleeding. Appellant didn’t even seem to care how she was.” Appellant’s wife was behind the bar and said ‘should I call 911’ and Appellant said ‘don’t call anyone yet.’ Then Appellant looked at Silvia and

his friends and said “get him out of here” (Joint Exhibit 9; Respondent Exhibit 11).

- 21) According to witnesses’ statements taken in furtherance of the police investigation into the August 17, 2002 incident at T.J. Gupee and the police report of the incident, Silvia was known to be a frequent patron of the bar. The Taunton Police Department questioned Appellant upon their arrival at T.J. Gupee. Appellant was “not very cooperative in this matter” (Joint Exhibit 9; Respondent Exhibit 11).
- 22) On August 24, 2002, Sgt. Al Saucier entered T.J. Gupee with Correction Officer Lisa Proffeto. On this particular evening, they had devised a camera, which fit into Detective Proffeto’s pocketbook. They arrived at approximately 8:30 p.m. and were there for an hour and a half. Appellant arrived at 9:00 p.m. and Sgt. Saucier and Officer Proffeto tracked his movements. The video tape confirms that Appellant engaged in the following activities that evening: (1) he worked behind the bar serving drinks and using the cash register; (2) he bent over coolers and retrieved up to five bottles of beer at a time; (3) he answered the telephone; (4) he worked the cash register; (5) he stood on a chair and adjusted a television set; (6) he stood on a chair to adjust a curtain; and (7) he squatted down at the pool table (Testimony of Sgt. Saucier; Joint Exhibit 9; Respondent Exhibit 3; Respondent Exhibit 5).
- 23) On September 18, 2002 another article appeared in the Taunton Daily Gazette regarding the incident that happened on August 17, 2002 at T.J. Gupee. Appellant was ordered to appear before the License Board Commission. At the Licensing Board hearing held on September 26, 2002, Appellant admitted to “taking care of him [Silvia] for ten years.” In addition, Appellant admitted to previously barring Silvia from T.J. Gupee for three months, and that Silvia had been allowed back into the bar on August 17, 2002 as the suspension had expired (Joint Exhibit 9).

24) On October 21, 2002 Micheal T. Maloney, Commissioner of the Executive Office of Public Safety for the DOC, sent a letter to Appellant ordering a hearing be held on November 5, 2002 in the Division of Human Resource's Conference Room located at the Division of Human Resources in Norfolk (apparently, this hearing was held on November 4, 2002). This hearing was ordered as a result of the DOC's investigation into the Appellant's conduct while on Industrial Accident leave. The hearing was to be held to consider possible appropriate disciplinary actions against the Appellant a result of allegations that Appellant fraudulently collected workers' compensation benefits while working outside of the DOC, that Appellant failed to report contact with former inmates, that Appellant misrepresented his medical condition and/or degree of disability, and that Appellant falsified earnings reports. Commissioner Michael T. Maloney designated Michael Rutherford, Labor Relations Specialist, as a hearing officer in this matter (Joint Exhibit 6).

25) At the November 4, 2002 hearing, the Appellant admitted that he knew Timothy Silvia from prison and that he "took care of him in prison." (Joint Exhibit 9; Testimony of Advisor Chris Simonelli).

26) At the February 23, 2005 Civil Service Commission hearing, Appellant denied ever knowing Timothy Silvia, a former inmate at MCI-Norfolk, and instead claimed that he told the Licensing Commission that the "DOC took care of him for ten (10) years" (i.e. and not him). Appellant also denied making the comments mentioned above at the September 26 Licensing Board hearing before the City of Taunton License Commission. (Testimony of Appellant).

27) Appellant contends that during the summer of 2002, he would go into T.J. Gupez only on Friday, Saturday, and Monday nights for up to three hours. During this time Appellant contends that he wasn't working but was "just there." He contends

- that he did not receive a paycheck from the bar from the time his disability began to his eventual termination from the DOC (Testimony of Appellant).
- 28) Appellant contends that the aforementioned activities he was seen doing at the bar are things he could “do at home” (Testimony of Appellant).
- 29) Appellant was asked how he could afford to maintain ownership of the bar and pay his employees if he wasn’t receiving any income to which he replied that he doesn’t make money, “the property pays for itself.” He also contends that he owned the bar but when he bought it, it was turned into a corporation (Appellant appears to be implying that he is absolved of liability as the co-owner of the bar because it was turned into a corporation once he purchased it) (Testimony of Appellant).
- 30) On September 6th, 2002, Appellant was examined for an Independent Medical Examination (“IME”) by Dr. Richard E. Greenberg, who determined that he is totally disabled as a result of his injury at work on April 17, 2002 (Joint Exhibit 5).
- 31) The aforementioned IME report also states that Appellant “does not partake in any housework, he occasionally walks for a short period or lies down, he alternates sitting and standing frequently, he cannot sit for long periods, he doesn’t do any more driving than is absolutely necessary, and he does no shopping” (Joint Exhibit 5).
- 32) Appellant acknowledges that he did not inform Dr. Richard E. Greenberg that he had been performing the aforementioned activities at T.J. Gupee. When asked why he didn’t report this information to the Doctor he replied, “Do I have to report going to my own business?” Additionally, Appellant contends that at the time of September 6th, 2002, he wasn’t routinely at the bar. Appellant said that he

- may have been going on “a Friday or Saturday, but sometimes there were weeks that I wasn’t even there” (Testimony of Appellant).
- 33) Appellant was examined by a neurosurgeon of his own choosing, Dr. Alan R. Murphy, on October 9, 2002. Dr. Murphy reported that surgery was not necessary, but he recommended that the Appellant receive physical therapy for the pain in his lower back (Appellant Exhibit 2).
- 34) The Division of Industrial Accidents terminated Appellant’s benefits on October 4, 2002 (Joint Exhibit 9).
- 35) Appellant is charged with violations of the Rules and Regulations Governing All Employees of the Department of Correction (“Blue Book”) (Joint Stipulation of Facts).
- 36) The “Blue Book” requires that DOC employees use “good judgment.” It states that “Improper conduct affecting or reflecting upon any correctional institution or the Department of Correction in any way will not be exculpated (sic) whether or not it is specifically mentioned and described in these rules and regulations.” Rule 1, Standards of Correctional Service, requires that employees give “dignity to their position.” Rule 2, General Requirements: Appointment, Employment, Termination, demands that employees report “any involvement with law-enforcement officials pertaining to any investigation.” Rule 2(b). Rule 8 (d), which pertains to Conduct Between Employee and Inmate, states, in part, that employees “must not associate with, accompany, correspond or consort with any inmate or former inmate except for a chance meeting without specific approval.... Any other outside inmate contact must be reported.” Rule 19(d), Administrative Procedures, provides that “It is the duty and responsibility of all institution and Department of Correction employees to obey these rules and official orders.” Lastly, Rule 19(e), states, in part, “any irregularities coming to your attention

while off duty, which affects the welfare of an institution, the Department of Correction or its inmates, should be reported” (DOC’s proposed decision).

- 37) Following the November 4, 2002 hearing, conducted by attorney Michael Rutherford, to consider the charges against Appellant and the appropriate disciplinary action for his conduct, the Appellant was terminated by DOC Commissioner Michael Maloney via letter dated November 8, 2002. (Joint Stipulation of Facts).
- 38) On May 5, 2003, Appellant scheduled an appointment with Dr. David J. Cicerchia to get a personal assessment of his injury. Dr. Cicerchia determined that the Appellant was disabled and that he “should not be working as a correctional supervisor, but could work light duty sedentary type work.” It does not mention whether Appellant reported his activities at TJ Gupeeze to Dr. Cicerchia (Appellant Exhibit 4).
- 39) On July 1, 2004, Appellant received a letter from Dr. John Scorza. The letter states that Dr. Scorza had been treating Appellant since 2002 and that he continues to believe that Appellant is fully disabled regarding “his job.” The letter does not specify anything more in regards to Appellant’s “job.” It does not mention whether Appellant reported his activities at TJ Gupeeze to Dr. Scorza. (Appellant Exhibit 5).
- 40) I do not find the Appellant to be a credible witness. In several instances, the Appellant made assertions which he was unable to support with particulars. For example, the Appellant asserted that his business pays for itself. However, he could not explain how this could occur. Also, when asked why he didn’t report his activities at T.J. Gupeeze to Dr. Greenberg, he became very defensive when he replied, “Do I have to report going to my own business!” I believe that under the circumstances, he should have reported going to T.J. Gupeeze. Less than two weeks had elapsed between the date that Dr. Greenberg asked Appellant about his

current activities and when Sergeant Al Saucier videotaped Appellant performing activities in and around the bar. I believe that the Appellant's aggressive/defensive response could be seen as proof that he knew he had an affirmative duty to report his actions to Dr. Greenberg, at the least. Appellant testified that he was going into the bar up to three times a week, which is routine he should have reported to Dr. Greenberg when Dr. Greenberg asked him about his routine activities, as well as any other doctors the Appellant met with in regard to his purported disability. Other reasons for Appellant's lack of credibility include: Appellant testified at the Licensing Board hearing that he took care of ex-convict Silvia and yet denied it at both the DOC and Commission hearing; Appellant denied the abundant, substantial credible evidence produced by the DOC investigators (including a videotape) at the Commission hearing that the Appellant was working at the bar; Appellant asserted that the bar he co-owned paid for itself and did not generate a profit; and he knowingly and falsely endorsed the disability checks he received, which endorsements require the Appellant to disclose any outside income he was receiving at that time.

41) I find that Sergeant Al Saucier provided credible testimony supported by documentary evidence. Sergeant Al Saucier was forthright about what he did and did not recall (such as the specific number of beers he saw the Appellant lifting from the cooler at a time).

42) Both Coordinator Kelly Correia and Labor Relations Advisor Christopher Simonelli testified credibly regarding their participation in these matters. The documentary record corroborated their testimony, they were specific with facts and dates, and they both demonstrated cooperative demeanors on the witness stand.

CONCLUSION

The role of the Civil Service Commission is to determine “whether the appointing authority has sustained its burden of proving that there was reasonable justification for the action taken by the appointing authority.” City of Cambridge v. Civil Service Commission, 43 Mass. App. Ct. 300, 304 (1997). See Town of Watertown v. Arria, 16 Mass. App. Ct. 331 (1983). McIsaac v. Civil Service Commission, 38 Mass. App. Ct. 473, 477 (1995). Police Department of Boston v. Collins, 48 Mass. App. Ct. 411 (2000). City of Leominster v. Stratton, 58 Mass. App. Ct. 726, 728 (2003). An action is “justified” when it is “done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind; guided by common sense and by correct rules of law.” *Id.* at 304, quoting Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex, 262 Mass. 477, 482 (1928). Commissioners of Civil Service v. Municipal Ct. of the City of Boston, 359 Mass. 211, 214 (1971). The Commission determines justification for discipline by inquiring, “whether the employee has been guilty of substantial misconduct which adversely affects the public interest by impairing the efficiency of the public service.” Murray v. Second Dist. Ct. of E. Middlesex, 389 Mass. 508, 514 (1983). School Committee of Brockton v. Civil Service Commission, 43 Mass. App. Ct. 486, 488 (1997).

The Respondent asserts that the Appellant was terminated for violating the DOC General Policy and Rules 1, 2, 8, and 19 of the DOC, “Blue Book” by falsely claiming that he was temporarily totally disabled while working at the bar. Specifically, the Respondent asserts that the Appellant fraudulently collected workers’ compensation benefits, thereby failing to use “good judgment” and give “dignity to [his] position” (Respondent’s Post Hearing Brief). G. L. c. 152, §11(D) (1) Workers’ Compensation states in relevant part:

Any employee entitled to receive weekly compensation under this chapter shall have an affirmative duty to report to the insurer all earnings, including wages or salary earned from self-employment.

G.L.c. 152, § 14(2) states in relevant part:

If it is determined in any proceeding within the division of dispute resolution, a party.... concealed or knowingly failed to disclose that which is required by law to be revealed, knowingly used perjured testimony or false evidence, knowingly made a false statement of fact, or law, participated in the creation or presentation of evidence which he knows to be false, or otherwise engaged in conduct that such party knew to be illegal or fraudulent, the party's conduct shall be reported to the general counsel of the insurance fraud bureau.

The Reviewing Board of the Department of Industrial Accidents has ruled that an employee is in violation of G.L. c. 152, §14(2) when he provides false information about his work status to the impartial medical examiner. Mary Ann Perelli v. Caldor, Inc., 11 Mass. Workers' Comp. Rep. 380 (1997). Omitting information, in the case of the Appellant, should be equated to providing false information to an impartial medical examiner.

The Appellant was injured in the line of duty on April 17, 2002. The Appellant asserts that the injury led to his incapacity through October 4, 2002. Apparently, the Appointing Authority never contested the Appellant's incapacity until May 8, 2002, when Kelley Correia sent a memo to Frank Yee, who was addressing Workers' Compensation claims from Human Resources, regarding initiating an investigation of the Appellant for his co-ownership of T.J. Gupez and activities therein. The Appointing Authority asserts that the Appellant was capable of returning to duty in July 2002, if not earlier. As proof, the Appointing Authority points to Sgt. Saucier's video footage and observations. The tapes and observations establish the DOC's just cause by preponderance of the evidence to terminate the Appellant for accepting disability benefits when he was working at the bar. While there may be room to argue that the Appellant was only partially disabled, it

appears that he purposely withheld any information from the DOC, and the doctors who examined and/or treated him, thereby preventing them from making that determination.

The Appellant did not disclose the fact that he was working at T.J. Gupez to Dr. Greenberg when he performed his evaluation. Dr. Greenberg's September IME of the Appellant makes no mention of T.J. Gupez whatsoever. In reasoning why he didn't report working at T.J. Gupez to Dr. Greenberg, the Appellant testified here, "Do I have to report going to my own business?" Less than two weeks elapsed between the date that Dr. Greenberg asked the Appellant about his current activities and when the Appellant was caught on tape by Sgt. Saucier. The Appellant's failure to reveal his work at T.J. Gupez to Dr. Greenberg when he knew that the doctor was determining his physical fitness to return to duty at the DOC constituted a knowing misrepresentation or intentional omission of his physical status.

The Appellant never notified the DOC that he was going to start or continue working at T.J. Gupez while he was out on injury leave. We do not believe the Appellant's argument that his actions in showing up Fridays, Saturdays, and Mondays for three or more hours at a time and performing bar-related duties constitute "just being there," as he alleged. Additionally, we do not believe that the Appellant receives absolutely no profit from the bar and that the "property pays for itself." It would be unreasonable to assume that the Appellant would take the effort to start and maintain co-ownership of a bar without intending to profit from it. The evidence of the videotape and the testimony of Sgt. Saucier, notwithstanding the Appellant's contradictory and inconsistent assertions, lead us to believe that the Appellant was indeed performing bar-related tasks that constitute "work." In this regard, the Appellant also violated G. L. c. 152, §11 by both receiving outside income while on disability and failing to report these wages from self-employment.

The Appointing Authority was justified in its decision that the Appellant's actions warranted termination. Given the Appellant's deceitful and unlawful actions in this case, his violations of the pertinent DOC rules, and his disciplinary history, the Appointing Authority had little choice in this matter. The appeal numbered D-02-895 is *dismissed*.

Civil Service Commission

John E. Taylor
Commissioner

By a vote of the Civil Service Commission (Bowman, Guerin, Marquis, Taylor, Commissioners) on October 19, 2006.

A True Record. Attest:

Commissioner

Either Party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. A motion for reconsideration shall be deemed a motion for rehearing in accordance with MGL c. 30A S. 14(1) for the purpose of tolling the time for appeal.

Under the provisions of MGL c 31 S 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under section 14 of chapter 30A in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the commission's order or decision.

Notice to: Antonios Sarantos

Stephen Plaff, Esq.

Amy Joyce, Esq.