NOTICE OF MEETING

NORTH BROWARD HOSPITAL DISTRICT

BOARD OF COMMISSIONERS

A Legal Affairs and Governmental Relations Committee meeting will be held on Wednesday, December 11th, 2019, immediately following the Pension and Investment Committee meeting, at the Broward Health Corporate Spectrum Location: 1700 Northwest 49 Street, Fort Lauderdale, Florida, 33309. The purpose of this committee meeting is to review and consider any matters within the committee’s jurisdiction.

Persons with disabilities requiring special accommodations in order to participate should contact the District by calling 954-473-7481 at least 48 hours in advance of the meeting to request such accommodations.

Any person who decides to appeal any decision of the District’s Board with respect to any matter considered at these meetings will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which the appeal is to be based.
LEGAL AFFAIRS & GOVERNMENTAL RELATIONS COMMITTEE MEETING
2:00 p.m., September 26, 2018

NOTICE

Notice of this meeting is attached to the official Minutes as EXHIBIT I. The official Agenda for this meeting, as presented for the consideration of the Committee, is attached to the official Minutes as EXHIBIT II.

CALL TO ORDER 2:12 p.m.

COMMITTEE MEMBERS

Present: Commissioner Nancy W. Gregoire, Chair
Commissioner Andrew M. Klein
Commissioner Christopher T. Ure
Commissioner Steven A. Wellins (via video conference)
Commissioner Ray T. Berry

Senior Leadership
Additionally Present: Beverly Capasso/President/Chief Executive Officer, Gino Santorio/Chief Operations Officer, Alan Goldsmith/Chief Financial Officer, Lynn Barrett/Corporate General Counsel, Nick Hartfield/Chief Compliance Officer, Nigel Crooks/Chief Internal Auditor

Point of Order was made by Commissioner Klein who reported that the agenda that was publically published and circulated to the Commissioners in advance of the meeting did not match the agenda distributed upon arrival.

MOTION It was moved by Commissioner Klein, seconded by Commissioner Ure, to:

ABIDE BY THE AGENDA THAT HAD BEEN PREVIOUSLY DISTRIBUTED AND PUBLISHED.

Point of Order was made by Commissioner Klein who inquired to the authority that would allow Commissioner Wellins to vote via video conference. General Counsel advised that it was on the authority of the Charter and that it had always been allowed and practiced by the District.

Motion failed 3 to 2.
MOTION It was moved by Commissioner Klein and seconded by Commissioner Ure, that:

EXPLANATION OF FISCAL YEAR 2018 LAW FIRM CHARGES BE ADDED TO THE AGENDA.

Motion carried unanimously

Chair Gregoire announced that as a courtesy to Mr. Diner she would allow the agenda be taken out of order having item #3, Counsel Letter, heard next.

Commissioner Klein called a Point of Order stating it was not an appropriate action item and opined the agenda should be followed.

Commissioner Berry requested that the remaining outside counsel in attendance introduce themselves.

Outside counsel in attendance

- Mr. Jesse Diner introduced himself and Mr. Bob Butterworth from Buchanan, Ingersoll & Rooney.
- Myla Reizen from Foley & Lardner introduced herself.
- Ms. Barrett introduced Gabriel Imperato from Broad & Cassel.

PUBLIC COMMENTS

- Vicente Thrower
- Former Commissioner Joe Cobo

APPROVAL OF MINUTES:

1. APPROVE THE LEGAL AFFAIRS AND GOVERNMENTAL RELATIONS COMMITTEE MEETING MINUTES FOR JULY 18, 2018

MOTION It was moved by Commissioner Berry, seconded by Commissioner Wellins, to:

APPROVE THE LEGAL AFFAIRS AND GOVERNMENTAL RELATIONS COMMITTEE MEETING MINUTES FOR JULY 18, 2018 WITH THE REVISION MADE TO THE SECOND TO LAST MOTION TO REFLECT A VOTE (3 TO 2).

Motion carried unanimously.

TOPIC OF DISCUSSION

2. Government Relations Report - Diana Arteaga, VP Governmental Relations

Ms. Arteaga updated the Board on the following governmental events:
• Senate Deadline for Claims Bill;
• Early Steps Program Association;
• The Florida Association of Health Plans lawsuit against AHCA; and
• Trauma Bill that passed.

3. Counsel Letter – Jesse Diner, with Buchanan, Ingersoll & Rooney

Mr. Diner introduced himself and established that his firm had performed work for the North Broward Hospital District as outside counsel on certain matters including governance. He confirmed that he was asked by General Counsel to give an opinion on the last paragraph of the Commissioner Klein’s letter directing Ms. Barrett to cease the McGuireWoods investigation pending Board review.

Explanation of Fiscal Year 2018 Law Firm Charges
Commissioner Klein reported that he asked the Executive Management Team to provide legal expenses for the last five fiscal years and year-to-date. As a result of the committee meeting running behind on time, Chair Gregoire asked if item four could be taken up at the Regular Board meeting where it was also listed to be heard. Commissioner Klein agreed to suspend the discussion until the Regular Board meeting, however he wanted the legal expense spreadsheets to be circulated to the rest of the committee for their review.

Commissioner Wellins requested a copy be emailed to him as well.

MEETING ADJOURNED 3:30 p.m.

MOTION: It was moved by Commissioner Berry, seconded by Commissioner Ure, that:

THE LEGAL AFFAIRS AND GOVERNMENTAL RELATIONS COMMITTEE MEETING BE ADJOURNED.

Motion carried unanimously.

Respectfully submitted,
Commissioner Stacy L. Angier/Secretary/Treasurer
LEGAL AFFAIRS AND GOVERNMENTAL RELATIONS COMMITTEE MEETING
12:00 p.m., October 30, 2018

NOTICE

Notice of this meeting is attached to the official Minutes as EXHIBIT I. The official Agenda for this meeting, as presented for the consideration of the Committee, is attached to the official Minutes as EXHIBIT II.

CALL TO ORDER 12:00 p.m.

COMMITTEE MEMBERS

Present: Commissioner Nancy W. Gregoire, Chair
Commissioner Andrew M. Klein
Commissioner Christopher T. Ure
Commissioner Steven A. Wellins
Commissioner Ray T. Berry

Senior Leadership
Additionally Present: Commissioner Stacy Angier (pending oath of office), Beverly Capasso/President/Chief Executive Officer, Gino Santorio/Chief Operations Officer, Alan Goldsmith/Chief Financial Officer, Lynn Barrett/Corporate General Counsel

PUBLIC COMMENTS
Former Commissioner, Joe Cobo, provided legal expense reports dated 2010-2015 in an effort to show the detail that was provided to the Board by the former General Counsel.

APPROVAL OF MINUTES

1. Approval of Legal Affairs and Governmental Relations Committee meeting minutes for September 26, 2018

No action taken, tabled.

TOPIC OF DISCUSSION

2. Board responsibilities

Ms. Barrett noted she was requested to report on board responsibilities, including Duty of Care and Duty of Loyalty, particularly in the context of the Corporate Integrity Agreement.

Ms. Barrett introduced Mr. Richard Westling from Epstein, Becker and Green, who gave a brief history of his work experience and expertise. Mr. Westling proceeded with a power point
presentation titled, Board Responsibilities, Health Care Governance and the Corporate Integrity Agreement.

**MOTION** It was moved by Commissioner Klein that Mr. Westling’s presentation be tabled to the next Legal Affairs and Governmental Relations committee meeting.

Motion **failed** for lack of second.

* Continuation of item (2), Board responsibilities

Mr. Westling presented on the following:

- Board Duties
- Office of Inspector General (OIG)
- Recent Events
- Role of Independent Review (IRO)
- OIG Monitor
- Governance and the CIA

Mr. Westling gave his opinion on the following events:

July 23, 2018 - IRO Report on Consulting Arrangements
August 15, 2018 - Executive Management Action and Response Memo: IRO Report on Consulting Arrangements
September 2018 – McGuire-Woods Hired to Conduct Investigation

3. Legal update – firms and expenses

Ms. Barrett provided an overview of the expertise and structure of Broward Health’s legal department. She also provided biographies of several outside legal firms that represent Broward Health at the request of Commissioner Berry.

- Bradley Arant: Healthcare regulatory work
- Foley & Lardner: Implementation of the Corporate Integrity Agreement and Stark Law
- Buchanan Ingersoll: Money manager agreements
- Epstein Necker: Restructure of accountable care
- McGuire-Woods: IRO report investigation

4. Contract system

In regards to certifying the annual report, Ms. Barrett reported that exceptions were made for the past several years, due to issues with contract processes. Management made efforts to solve
the issues by hiring outside individuals, however they were unsuccessful. She further reported that when the legal and compliance departments began drafting the annual report, a spreadsheet was provided by Mr. Santorio listing several hundred contracts that were deemed to be auto-renewing. In reviewing ten of said contracts, all ten were incorrectly categorized, which meant the existing data was not accurate.

As a result, the $500k approved by the Board to resolve issues within the organization’s database, it was proposed that Special Counsel, an employment company, be retained to provide experienced contract attorneys to individually review 2600 contracts. Mr. Santorio further reported it would take approximately 1500 hours to complete the work.

5. Chapter 119 requests – Item was deferred to the next meeting.

MEETING ADJOURNED 2:18 p.m.

MOTION: It was moved by Commissioner Klein, seconded by Commissioner Wellins, that:

THE LEGAL AFFAIRS AND GOVERNEMENTAL RELATIONS COMMITTEE MEETING BE ADJOURNED.

Motion carried unanimously.

Respectfully submitted,
Commissioner Stacy L. Angier, Secretary/Treasurer
LEGAL AFFAIRS AND GOVERNMENTAL RELATIONS COMMITTEE
Immediately following the Audit Committee Meeting
September 11, 2019

1. NOTICE

Notice of this meeting is attached to the official Minutes as EXHIBIT I. The official Agenda for this meeting, as presented for the consideration of the Committee, is attached to the official Minutes as EXHIBIT II.

2. CALL TO ORDER 2:08 p.m.

3. COMMITTEE MEMBERS

Present: Commissioner Nancy W. Gregoire, Acting Chair
Commissioner Ray T. Berry
Commissioner Stacy L. Angier
Commissioner Christopher T. Ure

Not Present: Commissioner Andrew M. Klein, Chair
Commissioner Marie C. Waugh

Senior Leadership
Additionally Present: Gino Santorio/President/Chief Executive Officer, Alan Goldsmith/Chief Administrative Officer, Alex Fernandez/Chief Financial Officer, Linda Epstein/Corporate General Counsel, Jerry Del Amo/ Sr. Associate, General Counsel

4. PUBLIC COMMENTS None

5. ELECTION OF COMPLIANCE AND ETHICS COMMITTEE OFFICERS

MOTION It was moved by Commissioner Angier, seconded by Commissioner Berry, to:

Nominate Commissioner Nancy W. Gregoire as Chair for the Legal Affairs and Governmental Relations Committee for the North Broward Hospital District.

Motion carried unanimously.

MOTION It was moved by Commissioner Gregoire, seconded by Commissioner Berry, to:

Nominate Commissioner Stacy L. Angier as Vice Chair for the Legal Affairs and Governmental Relations Committee of the North Broward Hospital District.

Motion carried unanimously.
6. **APPROVAL OF MINUTES**

6.1. Approval of Legal Affairs and Governmental Relations Committee meeting minutes, dated August 21, 2019

**MOTION** It was *moved* by Commissioner Angier, *seconded* by Commissioner Berry, to:

Approve the Legal Affairs and Governmental Relations Committee meeting minutes, dated August 21, 2019.

Motion carried unanimously.

7. **TOPIC OF DISCUSSION**

7.1. General Legal Department Updates - Linda Epstein

Ms. Epstein sadly informed the committee of the sudden passing of the legal department’s executive administrative assistant, Tammy Dawkins.

Ms. Epstein also acknowledged Mr. Brett Bauman, who had recently been promoted to Senior Associate General Counsel. She reported three new law firm engagements hired by Broward Health at a rate of $350 an hour, as seen below:

- Taylor Espino Vega & Touron PLLC, a construction-contracting firm located in Coral Gables, Florida.
- Smith Currie Hancock LLP, a construction-contracting firm located in Fort Lauderdale, Florida.
- Mateer Harbert P.A., a healthcare regulatory contracting firm located in Orlando, Florida. Ms. Epstein noted that any work provided other than regulatory work would be negotiated fairly.

Ms. Epstein reported that as a performance goal, she asked the department’s attorneys to ensure bills are reviewed on a weekly basis. She confirmed that the legal billing for medical malpractice had been received through CounselLink for the month of August.

Ms. Epstein further reported that the legal budget was in the process of being finalized, and projected that this year’s goal would be a cost savings of over $2 million dollars.

7.2. BHPG, Director Pediatric Hematology Oncology Services, Dr. Hector Rodriguez-Cortes

**MOTION** It was *moved* by Commissioner Berry, *seconded* by Commissioner Angier, that:

The Legal Affairs and Governmental Relations Committee recommend that the Board of Commissioners of the North Broward Hospital District authorize the President/CEO to enter
into a new two-year employment agreement with a Medical Directorship up to the 91st Percentile with Dr. Hector Rodriguez-Cortes for the provision of Pediatric Hematology Oncology Services at Broward Health Medical Center.

Motion carried unanimously.

7.3. BHPG, Pediatric Hematology Oncology Services, Dr. Alejandro Cambara

MOTION It was moved by Commissioner Angier, seconded by Commissioner Berry, that:

The Legal Affairs and Governmental Relations Committee recommend that the Board of Commissioners of the North Broward Hospital District authorize the President/CEO to enter into a new two-year employment agreement up to the 78th percentile with Dr. Alejandro Cambara for the provision of Pediatric Hematology Oncology Services at Broward Health Medical Center.

Motion carried unanimously.

7.4. BHPG, Clinical and Medical Director Interventional Cardiology Services, Dr. Violeta A. McCormack

MOTION It was moved by Commissioner Ure, seconded by commissioner Berry, that:

The Legal Affairs and Governmental Relations Committee recommend that the Board of Commissioners of the North Broward Hospital District authorize the President/CEO to enter into a new two-year employment agreement with a Medical Directorship up to the 77th percentile with Dr. Violeta McCormack for the provision of Interventional Cardiology Services at Broward Health Medical Center.

Motion carried unanimously.

8. **ADJOURNMENT** 2:22 p.m.

MOTION It was moved by Commissioner Ure, seconded by Commissioner Angier to:

Adjourn the Legal Affairs and Governmental Relations Committee meeting.

Motion carried unanimously.

Respectfully submitted,
Commissioner Stacy L. Angier, Secretary/Treasurer
GA-016-005 Public Records Requests- Chapter 119, F.S.

I. Purpose
To establish a uniform policy and procedure for responding to Public Records requests in accordance with the North Broward Hospital District's (the "District") obligations under Chapter 119, F.S. and s. 24, Art. 1, Fla. Const.

II. Definitions
All definitions set forth herein are as provided in Section 119.011, F.S., unless otherwise indicated.
"Public Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
"Public Records Log" means the log that tracks all Public Records requests, the statuses of those requests, and the exemptions that apply, if any.
"Records Custodian" means the District officer, employee, or agent charged with the responsibility of maintaining the office having Public Records.

III. Background
The State of Florida mandates that all Public Records are open for personal inspection and copying by any person, unless otherwise expressly exempt from disclosure by another provision of the Florida Statutes, and that providing access to these records is the duty of each agency. Section 119.01(1), F.S. The North Broward Hospital District (the "District"), as a "unit of government created or established by law," is included within the definition of "agency" as provided by Section 119.011(2), F.S., and, therefore, must comply with Public Records requirements as set forth in Chapter 119, F.S.

IV. Policy
1. All records retained or received by the District in connection with the transaction of official business are Public Records and subject to disclosure pursuant to Chapter 119, F.S., unless otherwise expressly exempt by an applicable provision of Florida Statutes, the Health Insurance Portability and Accountability Act ("HIPAA"), or another governing provision of Federal law.
2. Any person or entity is entitled to request Public Records from the District. Requests for Public Records may be made orally or in writing. For tracking and convenience purposes, the District may request individuals who make an oral request for Public Records to put their request in writing, however there is no legal requirement that requests for Public Records be submitted in a written format.
3. A person requesting a Public Record does not have to give his or her name, nor do they have to explain the reason for the requested information. However, contact information may be necessary in order to notify the person as to any applicable charges, the status of such requests, and when or if the records are available.

4. A request may be made to any of the District's employees. The employee receiving the request should immediately forward the request to the Records Custodian.

5. The District's President/CEO shall appoint a Broward Health employee to serve as the District's Records Custodian. The Records Custodian is the person responsible for coordinating responses to all requests for Public Records. All requests for Public Records, regardless of who receives them or how they are received, shall be promptly transmitted to the Records Custodian for processing in accordance with the procedures set forth herein. These requests should be forwarded to PublicRecordsRequest@browardhealth.org. If the request was made orally by the requestor, it is the District employee's responsibility to type the request up in an email and send it to the Records Custodian at PublicRecordsRequest@browardhealth.org with the requestor's contact information and the nature of the request.

6. The District shall ensure access to its Public Records in response to requests in accordance with Ch. 119, F.S. The District shall not create records that do not exist in an effort to respond to requests, nor shall the District alter the format of existing Public Records in an attempt to respond to a specific request. Likewise, the District shall not conduct research to create documents nor will the District answer questions or inquiries unless they pertain to the fulfillment of a Public Records request.

7. The Records Custodian shall contact the General Counsel's Office when a response to a request for Public Records may be exempt from disclosure under a particular provision of Florida law or Federal law. The General Counsel's Office shall make the final determination regarding whether an exemption applies.

V. Procedure

1. Once the District or District employee receives a Public Records request, the request, along with any contact information provided by the requestor, shall be immediately forwarded to the Records Custodian. If the request has been made orally, the Records Custodian may ask the individual making the request to submit their request in writing for tracking purposes; provided, however, if the requestor refuses to provide the request in writing, the Records Custodian shall nevertheless log the request and fulfill it in a timely manner. The Records Custodian shall promptly transmit a copy of the request for Public Records made by a media outlet to the Broward Health's Corporate Communications & Marketing Department. The Records Custodian shall provide copies of all Public Records requests to the General Counsel's Office.

2. Upon receipt of a Public Records request, the Records Custodian shall open a file to track the response to the request in the Public Records Log.

3. The Records Custodian may request clarification from the person requesting the records.

4. If a requesting party fails to respond to inquiries for clarification, cost estimates, or any other communication from the Records Custodian or the Office of the General Counsel, the request shall be closed after 30 days. A non-responsive request may be resubmitted and will be processed as a new request.

5. Upon receiving a request for Public Records, the Records Custodian shall promptly transmit a letter or other written correspondence to the person making the request acknowledging the receipt thereof. This correspondence shall advise the person making the request that their request is being
processed by the District and, to the extent applicable and in accordance with Florida law, there may be a cost associated with fulfilling the request. The person making the request shall further be advised that the estimated cost of complying with the request shall be presented to them prior to the compilation of the requested information.

6. The Records Custodian shall transmit a copy of the request to all District departments, individuals managing such departments, and employees who may have access to records that are responsive to the request. The appropriate District employees shall promptly advise the Records Custodian of the estimated time that it will take to compile the documents necessary to respond to the request, the employee who will be retrieving the Public Records pursuant to such request, and an estimate of how many pages of records exist that are responsive to the request. District employees with knowledge of Ch. 119, F.S., HIPAA, or other authority establishing exemptions from Public Records disclosure, should identify those records which they believe are exempt from disclosure and inform the Records Custodian of such exemptions.

7. Upon receipt of the information provided by the appropriate District employees as set forth above, the Records Custodian shall promptly advise the individual making the request of the estimated time and cost to comply with their request.

8. The estimated cost of responding to the Public Records request shall be calculated in accordance with section 119.07, F.S., as may be amended from time to time. The estimate may include the staff time of the employees gathering information and/or records and the General Counsel's Office in reviewing records to determine the applicability of exemptions. The individual making the Public Records request will be charged the actual costs incurred by or attributed to the District when fulfilling the request, which may include, without limitation, the employee's hourly rate plus overhead and the cost of any materials such as copies, CDs, or other data storage devices used or required to fulfill the request.

9. For requests for paper copies of records, a charge of 15 cents per one-sided copy and/or 20 cents per two-sided copy will be assessed for duplicated copies of not more than 14 inches by 8 ½ inches. For copies exceeding 14 inches by 8 ½ inches, the requestor will be charged the actual cost of duplication of the Public Record. Certified copies of Public Records shall incur a charge of $1 per page. See 119.07(4), Florida Statutes.

10. When the nature or volume of Public Records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the District, or both, a special service charge shall be imposed in addition to the actual cost of duplication pursuant to section 119.07, Florida Statutes. The special service charge shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the District or attributable to the the District for the clerical and supervisory assistance required, or both.

11. There shall be no charge for staff time in the event that a request to obtain actual copies of Public Records would, in the judgment of the Records Custodian, involve approximately less than thirty (30) minutes of time for District employees to process the request.

12. A fifty percent (50%) deposit shall be required for all Public Records requests with any cost estimates associated with such request. Deposits shall be received by the Records Custodian prior to the District expending staff time to compile the records needed to respond to the request. Checks shall be made payable to the North Broward Hospital District and mailed to: North Broward Hospital District, attention Office of General Counsel, 1800 N.W. 49th St., Fort Lauderdale, FL 33309.
13. Upon receipt of a deposit or otherwise at their discretion, the Records Custodian shall direct the appropriate District employees to compile the records responsive to the Public Records request.

14. Should the actual costs of the request be less than or exceed the estimate provided to the requestor, the final cost shall be adjusted accordingly to reflect the actual costs incurred by or attributed to the District in fulfilling the request or the costs otherwise provided in section 119.07, F.S. If the actual costs exceed any deposit or money paid by the requestor, the balance shall be returned to the requestor.

15. All records that are responsive to the Public Records request shall be turned over to the Records Custodian as soon as possible. If additional time is required to compile the responsive records, the appropriate District employee shall immediately notify the Records Custodian and may request such time from the Records Custodian.

16. The Records Custodian, in consultation with the General Counsel's Office, shall review all Public Records provided by District employees for exemptions. All exempt information shall be redacted by the Records Custodian. Any question regarding whether certain information is exempt from Public Records disclosure shall be presented to the General Counsel's Office. The General Counsel's Office shall make the final determination regarding whether information is exempt from disclosure.

17. Once all records responsive to a Public Records request have been compiled and reviewed, the Records Custodian shall advise the person making the request that the records are available for retrieval. A complete copy of all Public Records compiled in response to a Public Records request shall be kept by the Records Custodian.

18. The records shall be provided to the individual making the request upon final payment of the balance of all costs, if any, associated with responding the request.

19. If any Public Record is completely exempt or confidential from disclosure, the basis for the refusal to release the record shall be provided in writing to the requestor. If only a portion of the record is exempt or confidential, only that portion shall be redacted, but the remaining record will be provided for examination. In any instance, the basis for the refusal to release a Public Record, whether in whole or part, shall be provided to the requestor and properly logged in the Public Records Log.

20. If the individual requesting the Public Records seeks only to inspect, but not obtain actual copies, the Records Custodian must allow the inspection of the records at a reasonable time and under reasonable conditions, provided that the conditions do not operate to restrict the right of access. When a person desires to review original Public Records files, it is necessary that a staff person be present to ensure the integrity of the Public Records is maintained. Accordingly, a special service charge as described above shall be imposed for staff time in excess of thirty (30) minutes that is needed to oversee a requestor's review of Public Records.

VI. Records Retention
All Public Records held by the District shall be retained, preserved, kept secure, reasonably protected from alteration or destruction, and readily available in accordance with Broward Health's Policies & Procedures and the General Records Schedule GS4 for Public Hospitals, Healthcare Facilities and Medical Providers and the General Records Schedule GS1-SL for State and Local Governmental Agencies, as applicable and as may be amended from time to time, or as otherwise provided by the Florida Department of State, Division of Library and Information Services.

VII. Interpretation and Administration
Administration and Interpretation of this policy is the responsibility of the General Counsel's Office

VIII. References
§ 119.01, *et seq.*, Florida Statutes

**Attachments:**

**Approval Signatures**

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