

Matt Norfolk

From: James McClymonds [jtmcclym@gw.dec.state.ny.us]
Sent: Friday, March 18, 2011 1:03 PM
To: Mary McAllister; Matt Norfolk
Cc: mgerstman@gerstmanlaw.com; John Banta; Louis Alexander; Randall Young
Subject: Matter of McCulley -- DEC Case No. R5-20050613-505

Dear Mr. Norfolk:

I have received your letter dated March 16, 2011. In that letter you request further clarification of the factual basis for my certification that the December 30, 2010, Ruling by Acting Commissioner Iwanowicz was signed on December 30, 2010. Although I am certain that Acting Commissioner Iwanowicz signed the ruling on December 30, 2010, my knowledge of that fact is based, in part, on agency practice and procedure. Because Assistant Commissioner Louis A. Alexander has more direct knowledge about the timing of Acting Commissioner Iwanowicz's execution of the ruling, I am forwarding your request to Assistant Commissioner Alexander for any response he deems appropriate.

Yours truly,

James T. McClymonds
Chief Administrative Law Judge
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