MINUTES OF COMMISSION MEETING

May 16, 2019

Present at the New Jersey Law Revision Commission meeting held at 153 Halsey Street, 7th Floor, Newark, New Jersey, were: Chairman Vito A. Gagliardi Jr.; Commissioner Andrew O. Bunn; Commissioner Virginia Long (via telephone); Commissioner Louis N. Rainone; Professor Bernard W. Bell, of Rutgers Law School, attending on behalf of Commissioner David Lopez; and Professor John K. Cornwell, of Seton Hall University School of Law, attending on behalf of Commissioner Kathleen M. Boozang.

David McMillin, Esq., attended on behalf of Legal Services of New Jersey.

Minutes

The Minutes of the April 19, 2019, Commission meeting were unanimously approved on the motion of Commissioner Bunn, which was seconded by Commissioner Long.

Revised Standard Form Contracts

John Cannel discussed with the Commission a Revised Draft Final Report proposing updates to the Commission's 1998 Report regarding Standard Form Contracts. The New Jersey Law Revision Commission published a Report on Standard Form Contracts in 1998. The Report recognized that the overwhelming majority of contracts are not negotiable and recommended replacement of the current law applicable to those contracts with a statute that more accurately reflects their nature.

Mr. Cannel advised the Commission that David McMillin, Esq., of Legal Services of New Jersey (LSNJ), was in attendance and wished to address the Commission. Mr. McMillin stated that LSNJ remained opposed to the elimination of the unconscionability doctrine for primary contract terms.

Of particular concern to Mr. McMillin is the proposal to strike the terms "unfair" and "unconscionable" from Section 3(a)(2) from the law and introduce a third subsection—3(a)(3)—which would preserve unconscionability for the whole contract or primary terms. He continued by stating that this proposal abrogates existing contract defenses based on unequal bargaining power, an element that is essential to the unconscionability inquiry. This, he concluded, would overturn the current New Jersey law.

Next, Mr. McMillin remarked that the doctrine of unconscionability applies to all contract provisions under current law, including both "primary" and "secondary" terms.

Therefore, Section 7 must add unconscionability to the list of traditional common law contract enforcement doctrines that apply to primary terms.

Finally, in referring to Section 8, Mr. McMillin stated that alternatives "a" or "c" would adequately preserve the unconscionability doctrine with respect to secondary terms provided that Section 8(a)(3) is revised to read, "…the term is unconscionable or, at the time of sale, would adequately preserve the unconscionability doctrine with respect to secondary terms."

Mr. McMillin suggested that, in addition to being inconsistent with New Jersey Supreme Court decisions on this subject, the proposed modifications are also counter to the executive branches' position on the subject of unconscionability. Currently, the New Jersey Attorney General, together with the Attorneys General from 23 other states, has filed written opposition to the American Law Institute's ("ALI") proposed attempt to define procedural unconscionability according to "market principles" in its Restatement of Law for Consumer Contracts. Mr. McMillin cautioned the Commission that in the context of unconscionability this report would be the first of its kind to recognize a distinction between "primary" and "secondary" terms.

Mr. Cannel thanked both Commissioner Bunn and Commissioner Bell for their assistance in formulating the language that appears in the Draft Final Report. Mr. Cannel then acknowledged that this is a dramatic departure from the prior law. He continued that such a change was necessary because the existing law on this subject is ineffective. The Commission's intention in undertaking this project, he continued, was to create a body of law that recognizes almost every contract is one of adhesion. Similar proposals were introduced by the Uniform Law Commission but have never advanced.

Mr. Cannel noted that Section 3 preserves unconscionability for primary terms because these terms are negotiated by the parties. The "Default Rule," set forth in Section 8, deals with secondary terms. Mr. Cannel discussed with the commission each of the proposed alternatives set forth in the report. He stated that alternative "A" proposes replacing the reasonable consumer standard of Section 8(a)(3) with the term unconscionability. Alternative "B", he continued, introduces a "reasonable consumer standard" to the default rule. Finally, Mr. Cannel stated that alternative "C" is a combination of alternatives "A" and "B" and allows either the doctrine of unconscionability or a reasonable consumer test to prevent the enforcement of a secondary term.

Commissioner Bunn observed that the term "claimant", as used in Section 8(b), could also refer to a defendant. Mr. Cannel stated that the term refers to the individual "claiming" unconscionability and suggested that it could be replaced with the term "the person claiming the defense" or "the person using the issue." Commissioner Rainone suggested using a reasonable consumer instead. Commissioner Bunn opined that perhaps the phrase "reasonable consumer in the same circumstances" would be clearer. Commissioner Cornwell questioned whether it is important to maintain the doctrine of unconscionability so that an individual who was not similarly situated would be able to avail himself of the defense. Mr. Cannel responded that the

element of equal bargaining power is a flawed assumption and that the report does not propose eliminating the doctrine of unconscionability entirely. The report simply modifies it for standard form contracts.

Commissioner Bell observed that the proposed modifications assume that the elements of procedural unconscionability have already been satisfied and that the remaining focus is on substantive unconscionability. Commissioner Bunn said that the primary focus of this project is to provide predictability to individuals who use standard form contracts.

Mr. McMillin reiterated that this proposal would unilaterally create a "primary versus secondary" term distinction that has never been recognized by courts. He then posited a hypothetical in which a drycleaner provided a customer with a dry cleaning receipt with the prices listed on it. On the receipt, the printed text stated that the cost to clean a two-button suit was $35; and, the price to clean a three-button suit was $6,000. Mr. McMillin stated that because price is a primary term, the consumer would not be able to raise the defense of unconscionability. Commissioner Bunn responded that, in that instance, these may be viewed as secondary terms and the defense of unconscionability could still be used by the customer.

Chairman Gagliardi stated that it is the Commission's mandate to modernize the law. He paused to question whether the Commission wished to release the report as the body's last word on this subject. Commissioner Cornwell suggested that he would like to reserve his decision on this subject until after the ALI's May 21, 2019, meeting regarding the restatement. Commissioner Bunn stated that he was not in favor of alternative "C" because it would not provide the predictability of outcome sought by the Commission. He observed that while alternatives "A" and "B" were both clearer, he preferred alternative "B." Commissioner Bell stated that he preferred alternative "C" because it provided litigants with more choice without doing damage to existing law. He did acknowledge, however, that alternative "B" provided more predictability. Commissioners Rainone and Cornwell both concurred with Commissioner Bell.

Chairman Gagliardi concluded discussion of this matter by stating the Commission will await the results of ALI's meeting before proceeding with this project any further.

Commissioner Long serves on the Board of New Jersey Legal Services and therefore recused herself from participation in this matter.

Revised Uniform Athlete Agents Act

Jennifer Weitz discussed with the Commission a Draft Final Report relating to the Revised Uniform Athlete Agents Act.

Mrs. Weitz explained that this project arose from the Uniform Law Commission's draft of the Uniform Athlete Agents Act (2000) (UAAA) and the subsequent Revised Uniform Athlete Agents Act (2015) (RUAAA). The UAAA and RUAAA propose to regulate the conduct of

students and agents as that conduct relates to universities and the National Collegiate Athletic Association (NCAA). The UAAA was initially presented to the Commission in May 2002.

Mrs. Weitz explained that the Commission has long viewed one of its responsibilities as bringing matters to the attention of the Legislature that the Legislature is not currently focusing on. According to Mrs. Weitz, the issues surrounding athlete agents have been considered by the Legislature for more than a decade, with no ultimate enactment of a law in this area. She suggested to the Commission that the Legislature has considered this area of law and has spoken by not acting. Mrs. Weitz suggested that the Commission take no further action in this area.

Commissioner Bell recommended that in the third sentence to the conclusion of this report, that the phrase "significant policy determinations" be replaced with "difficult issues." Chairman Gagliardi stated that the Commission should defer to the Legislature which has considered this area and chosen not to act. Thereafter, the Commission agreed that no further action be taken in this area, pending any subsequent legislative activity, or a legislative request.

With the changes recommended by Commissioner Bell, on the motion of Commissioner Long, which was seconded by Commissioner Bunn, the Commission unanimously voted to release the project as a Final Report with no recommendation.

Definition of Actor

Samuel Silver discussed with the Commission a Draft Tentative Report to define the term "actor" in the context of the DNA tolling provision of N.J.S. 2C:1-6(c). In *State v. Twiggs*, the New Jersey Supreme Court was asked to determine whether the statute of limitations should be tolled when a DNA identification does not directly identify the defendant, but rather begins an investigation that ultimately inculpates the defendant. As part of its analysis, the Court examined the Legislature's use of the term "actor" as it appears in the DNA-tolling provision contained in N.J.S. 2C:1-6(c).

The term "actor" is not defined in N.J.S. 2C:1-6(c). As a result, the Court consulted the legislative history and the "general definitions" section of the Code of Criminal Justice. Ultimately, the Court concluded that pursuant to the DNA-tolling provision a statute may only be "tolled" when the identification of the defendant is achieved directly by DNA evidence rather than DNA evidence in addition to other means.

Mr. Silver further discussed that in In New Jersey, an offense is committed either when every element occurs or at the time when the course of conduct is terminated. Generally speaking, the time within which the State may prosecute a defendant begins to run the day after the individual commits the offense. The ability of a defendant to locate alibi witnesses and the evidence necessary to defend against the basic allegations diminishes over time. It is generally

accepted that the farther in time from the alleged event, the more difficult it becomes to properly sustain a defense.

The primary guarantee against the prosecution of overly stale criminal charges is a statutorily based time limit beyond which there is an irrebuttable presumption that a defendant's right to a fair trial would be prejudiced. This statutorily-based proscription, commonly referred to as the "statute of limitations," serves as an absolute bar to the prosecution of a criminal charge that is not filed against an individual within the relevant statutory time-frame. A Court may not unilaterally nullify the protection afforded to a criminal defendant by way of such a statute. Only the Legislature may waive the prohibition of criminal prosecution afforded by a statute of limitations.

Mr. Silver noted that under very limited circumstances, the Legislature has seen fit to lift the time-based bar against criminal prosecution. There are some crimes that are considered so heinous that the Legislature will simply not allow the passage of time to preclude their prosecution. The Legislature has, therefore, determined that there is to be no statutorily-based time frame beyond which an individual may not be charged with murder, manslaughter, sexual assault, or causing widespread injury or damage. In recognition of the public's undeniable interest in having criminal offenders charged, tried, and sanctioned, the Legislature has also "tolled" the statute of limitations in instances where the police have collected DNA evidence at a crime scene but have yet to connect this evidence to the alleged perpetrator.

The "DNA-tolling provision," recognizes that at the time a crime is committed the only evidence that the police may possess is the DNA of an unknown perpetrator. Except for identical twins, DNA evidence is unique to each individual and is commonly used to identify criminal perpetrators. DNA evidence has been deemed, by the Judiciary, to be a scientifically reliable and admissible in criminal trials when matched to a specific defendant. When the identity of the individual who committed a crime is unknown and DNA evidence is collected at the crime scene the State may subsequently use this evidence to identify the offender. Whether the DNA collected by the police forms a direct or indirect link to the "actor" is crucial to determine whether a defendant may be prosecuted after the statute of limitations has run.

Mr. Silver discussed proposed modifications to clarify that for the DNA-tolling provisions of N.J.S. 2C:1-6 (c) to apply, the State must have DNA evidence in its possession that establishes a direct link to the defendant it seeks to prosecute.

Commissioner Bunn questioned what is meant by the phrase "directly establish" in subsection (c)(2) and "directly identified" in subsection (c)(3) of the proposed, statutory modifications. He inquired whether these expressions dealt with the identity of suspect who is already known to the police and the DNA evidence confirms that he is the perpetrator. Commissioner Bell concurred with Commissioner Bunn's line of inquiry. He continued by asking what the outcome would be in a situation where the police department had been

investigating a suspect but did not have enough evidence to indict, but suddenly obtain DNA evidence. Chairman Gagliardi questioned what the outcome would be in a situation where the DNA sample was incomplete or degraded.

Mr. Silver explained to the Commission that except for twin criminal defendants, the DNA would in fact identify one individual, not a group of individuals. He continued that the statute of limitations is tolled only when State is in possession of physical evidence but does not possess DNA or fingerprint evidence necessary to identify the perpetrator. The statute begins to run once the State is in possession of both the physical evidence and the DNA or fingerprint evidence of the individual who committed the crime. Mr. Silver further stated that a prosecutor in possession of a degraded DNA sample might argue that they did not possess the DNA necessary to directly establish the identification of the defendant.

Commissioner Bunn asked whether the State would receive the benefit of statutory tolling in a case where the victim was able to identify the perpetrator, but there was not enough DNA evidence to identify a specific defendant. He was concerned that the language in the proposed revision did not prevent "gaming" the system. Commissioner Rainone stated that in cases in which the police have probable cause, they may obtain a DNA sample from the perpetrator. He was not sure whether the subsequent DNA sample would resurrect the statute of limitations. Commissioner Rainone continued that he did not believe that a prosecutor could abuse the tolling provisions set forth in the statute.

Commissioner Cornwell inquired whether the law addresses Commissioner Bunn's concern – instances where DNA contributes to the identification of an individual but does not establish it. He continued that because of the language contained in the proposed section (c) there may be enough to clarify that both physical evidence and DNA were necessary to directly establish the identification of the individual. Mr. Silver stated that the tolling provisions of the statute do not permit the prosecution of an individual simply because there was not enough DNA to establish their identity. Commissioner Long noted that most incarcerated individuals have DNA samples in the system. If the police enter DNA evidence into the computer database and receive a match, then the "tolling provision" would be applicable. She then considered a situation in which the police had a previous, insufficient sample and a later development allows for testing because of advances in technology. Commissioner Long ultimately questioned whether the tolling provision would apply if the State was in possession of a sample but did not have the technology necessary to identify the perpetrator.

Commissioner Bell noted that in such instances the State was "technically" in possession of the DNA and should not receive the benefit of the tolling provision. Chairman Gagliardi suggested that the word "necessary" in proposed paragraph (c)(2) be changed to "sufficient." Commissioner Bell posited that it is possible that another law enforcement agency to be "in possession" of the DNA or fingerprint evidence. Mr. Silver suggested that if an agency of the

executive branch was in "actual possession" of such evidence, then they are considered the State for purposes of the statute.

Chairman Gagliardi observed that this was a Draft Tentative Report. He asked the members of the Commission whether they wished to release the report as a Tentative Report to solicit comments on the proposed modifications. Commissioner Long stated that she would like the language in paragraph 3 to be modified to reflect that "[t]he tolling provision set forth in subsection (c) applied only to the prosecution of individuals who are the subject of DNA or fingerprint evidence and are directly identified thereby." It does not apply to individuals who are not the subject of the DNA or fingerprint evidence but are later identified through investigation precipitated by the evidence." Commissioners Bell, Bunn and Rainone concurred with the language proposed by Commissioner Long.

Chairman Gagliardi asked Mr. Silver to revise the Draft Tentative Report to reflect the language suggested by Commissioner Long and return it to the Commission as a Revised Draft Tentative Report at the next meeting.

Mandatory Sentencing

John Cannel presented a Draft Tentative Report on Mandatory Sentencing which suggested statutory modifications consistent with the United States Supreme Court decisions in *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Alleyne v. United States*, 570 U.S. 99 (2013). In *Apprendi* the Supreme Court held that a fact that increases the maximum sentence for an offense is an element of the offense, and therefore must be found by a jury beyond a reasonable doubt. In *Alleyne* the Court extended this concept to increases in the minimum allowable sentence. Although the New Jersey Legislature amended the statutory provisions at issue in *Apprendi*, it has taken no action to address the statutory provisions impacted by the determinations of unconstitutionality.

According to Mr. Cannel, findings of fact by the sentencing judge that are used in exercising discretion as to the particular sentence within the range allowed by statute, however, are permitted. If a particular finding is necessary to justify a minimum sentence that is available or imposition of a sentence at the top of the range set, that finding may be made by the judge. If, however, a particular finding requires the imposition of a minimum sentence or increases the maximum sentence, that finding must be made by the jury. Mr. Cannel stated that there is one significant exception to the basic rule. He noted that a finding that the defendant had prior convictions may be made by the judge.

Mr. Cannel stated that a number of New Jersey's statutes on this subject are unconstitutional and in need of revision. The statutes to be revised specifically require a decision by the judge. Mr. Cannel noted that there are many other statutes that identify a fact that affects the range of available sentences but do not indicate how that fact is to be determined.

Mr. Cannel advised the Commission that the objective of this report was to rephrase the clearly unconstitutional statutes and to make them constitutional. He noted that the substance of the statutes was not impacted by the minimal rewording that was done to remedy constitutional defects.

On the motion of Commissioner Cornwell, which was seconded by Commissioner Long, the Commission unanimously voted to release the Report as a Tentative Report.

Definition of Tumultuous

Samuel Silver discussed with the Commission a revised Draft Tentative Report recommending modifications to clarify the terms "public" and "tumultuous" in the context of the disorderly conduct statute (N.J.S. 2C:33-2(b)) as discussed in *State v. Finneman*, 2017 WL 4448541 (App. Div. 2017).

Mr. Silver began by noting two typographic changes that had to be made, on pages 6 and 8. He then explained that in construing the statute, which is modeled on the Model Penal Code, courts have looked at its structural deficiency, as the definition of the word "public" is nested below the second subsection. He noted that "tumultuous" is not defined anywhere in Title 2C, but it is roughly equivalent to "riotous."

In the 50-state survey that Mr. Silver undertook for this project, he that 26 states and Washington D.C. do not use the term "tumultuous" at all. Further, he noted that 24 states still utilize this term. Of the states that still employ this term, the usage is very closely related to that of "riotous." Recently, the New Jersey Legislature introduced Assembly Bill 1324 which provides increased penalties for individuals found guilty of disorderly conduct. Within the context of the disorderly conduct statute, however, there is still uncertainty over what behavior qualifies as tumultuous under the statute.

For the Commission's consideration, Staff prepared three separate options each of which set forth proposed modifications to the Disorderly Conduct statute. As a preliminary matter, Mr. Silver stated that each of the three options utilized gender neutral language; removed subsection (b)'s prohibition against offensive language pursuant to *State in the Interest of H.D.*; and, defined the term "public" in a newly created subsection. He then explained the differences between the three options.

In addition to the aforementioned changes, "Option 1" eliminates the term "tumultuous from the statute. Building upon this modification, the second option adds the term "physical" before the word "inconvenience" in the opening sentence. The addition of this term was designed to eliminate the vagueness of the term "inconvenience" when used alone and eliminates the subjectivity of the term "annoyance." This option includes a prohibition for those who create excessive or unreasonable noise. Finally, "Option 3" incorporates the previous changes and additionally defines "tumultuous" in a newly created subsection (c). With deference to

Commissioner Cornwell's observation, the term "serious" was omitted from subsection (c)(1) because "serious bodily injury" is a well-established term of art in New Jersey and is defined in such a way in Title 2C that does not comport with such usage in this statute.

Commissioner Long questioned whether it was desirable for the section pertaining to noise to appear in Options 2 and 3 but not 1. Mr. Silver noted that noise liability was not in the original, and that it was included after the court's opinion in *Property Owners of Belmar v. Borough of Belmar*, which dealt with excessive and unreasonable noise.

Commissioner Cornwell asked if noise liability could be separate from tumultuous. Mr. Silver stated that such a separation was possible. Commissioner Long preferred omitting the definition of "tumultuous" from the statute altogether. Commissioner Bunn preferred Option 2, and preferred "noise" instead of "tumultuous." Commissioner Rainone concurred with Commissioner Bunn. .

Commissioner Long contemplated the necessity of using the term "physical inconvenience" in this statute. Mr. Silver explained that the draft was originally centered on the subjectivity of the term inconvenience. To eliminate the subjectivity of this term Staff considered the hypothetical situation in which an individual was standing on the street and exhibiting unpleasant behavior versus an individual behaving the same way while blocking an egress. While the individual in the first instance may be considered a spectacle, he was not interfering with the movement of any other individuals on that street.

Both Commissioners Bunn and Rainone preferred omitting "physical" from the statute. Commissioner Bell agreed with the elimination this word from the proposed modification. Similarly, Commissioner Cornwell agreed to this assessment and added that "physical" was not needed because of the presence of the other statutory language. Although he preferred Option 2, Commissioner Gagliardi noted that he preferred the definition of tumultuous set forth in option 3. Commissioner Long expressed that regardless of the option, she would like the phrase "other violent behavior" found in Option 2, added to whatever is selected.

With the changes suggested by the Commissioners and on the motion of Commissioner Rainone, which was seconded by Commissioner Bell, the Commission unanimously voted to release the Report as a Tentative Report.

Foreclosure

Joseph Pistritto, Legislative Fellow, discussed with the Commission two New Jersey Appellate Division cases which each dealt with the statute of limitations provision for residential mortgage foreclosures. In both *State v. Shalhoub* and *Pfeifer v. McLaughlin* the Appellate Division addressed the issue of whether the statute of limitation was in foreclosure matters was retroactive to causes of action that arose prior to its enactment in 2009.

Mr. Pistritto began with a brief discussion of the facts of both cases. He continued that the two appellate panels reached two different conclusions about whether the statute was retroactive. The *Amin Court* concluded that the statute of limitation provision set forth in N.J.S. 2A:50-56.1 was retroactive since it was curative. The *Pfeifer Court*, however, determined that the same statute, N.J.S. 2A:50-56.1 was not retroactive because it does not seek to explain, or cure, the deficiencies of a prior statute. In *Amin*, the Supreme Court of New Jersey denied the litigant's request for certification. No petition for certification to the New Jersey Supreme Court was filed by the parties in *Pfeifer.*

Since the decisions of the Appellate Division, the Legislature introduced A5001. This bill, according to Mr. Pistritto, sought to modify subsection (c) of N.J.S. 2A:50-56.1. This legislation sought to reduce the statute of limitations for residential foreclosure actions from 20 years to 6 years where the debtor defaults and has not cured the defalcation. Mr. Pistritto explained that while revising the substance of the statute, the legislation did not address the issue of retroactivity. This bill was signed into law on April 29, 2019.

According to the New Jersey Judiciary, there are currently 20,000 active foreclosure cases in New Jersey Court system. There are 70,000 matters that are in the foreclosure process. One half of these 70,000 matters represent mortgages that were created between 2004 and 2008. A study indicates that New Jersey is third in the country in legacy foreclosures - which are foreclosures backlogged from mortgages approved between 2004 to 2008.

In an attempt to ascertain the utility of this project, Chairman Gagliardi inquired about the number of cases that are directly affected by this statute. Chairman Bunn added that if the statute were retroactive, it could eliminate the pending cases. He continued by asking whether this issue raised or intersected with statutes outside of this area of law. Chairman Gagliardi inquired whether this project only addresses foreclosures between 2009 and the present. Laura Tharney confirmed that the Chairman was correct and that the project sought to address foreclosures initiated within that time frame. Chairman Gagliardi posted that it is plausible that these cases would be concluded before any legislation is enacted on this subject.

Commissioner Long commented that she would not object to further investigation of this subject. She maintained that she was not sure of the viability of this project because issues of retroactivity are very difficult and deeply factual. Commissioner Bunn concurred with Commissioner Long's assessment of this project. Laura Tharney suggested that Staff be permitted to engage in outreach to determine whether it would be beneficial to engage in further work on this project. Commissioner Cornwell expressed that he had absolutely no opinion on this project.

Staff was authorized by the Commission to engage in outreach to determine whether this was a viable project for the Commission.

Miscellaneous

Joe Pistritto, Legislative Fellow, advised the Commission that he recently accepted a Deputy Counsel position with the Office of Legislative Services. He thanked the Chairman, the members of the Commission, and Laura Tharney, for the experience that he received through this Fellowship and for their kindness and support in working with him on those projects to which he had been assigned over the past nine months. Chairman Gagliardi, on behalf of the Commission, thanked Mr. Pistritto for his work during his tenure with the Commission and offered him congratulations on his new employment.

Laura Tharney informed the Commission that both Rutgers and Seton Hall Law School students have been working on various projects, *pro bono*. Ms. Tharney's preliminary review of this work has confirmed that it is well done and beneficial to the Commission.

Currently, there are 20 bills pending in the Legislature that are based upon the work of the New Jersey Law Revision Commission. Ms. Tharney has been in contact with members of the Legislature on a regular basis regarding these bills.

Executive Session

Chairman Gagliardi advised the Commission that there was a personnel matter that was to be discussed by the Commissioners. On the motion of Commissioner Cornwell, which was seconded by Commissioner Bunn, the Commission unanimously voted to move into an Executive Session.

After returning from Executive Session, the Chairman reported that there were discussion and resolution of a salary adjustment and on the motion of Commissioner Cornwell, which was seconded by Commissioner Bunn, the Commission unanimously voted to return to a public meeting.

Adjournment

The meeting was adjourned on the motion of Commissioner Long, seconded by Commissioner Bunn.

The next Commission meeting is scheduled to be held on June 20, 2019, at 4:30 p.m.