

In The Matter Of:

Booth v.

Garvin & DNREC

EAB Hearing

November 27, 2018

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1 Court.

2 MR. MEDIO: No, I'm asking you for
3 the board.

4 MS. DAVIS: It's not for me to advice
5 you.

6 MR. MEDIO: I'm not asking for
7 advice. We are asking what your powers are with
8 regard to that order, and we are not getting really
9 a clear answer.

10 MS. DAVIS: This is an administrative
11 appeal. Administratively, the decision will be
12 reversed or remanded, or it will be affirmed.

13 What you do then with that decision
14 is something that you need to figure out.

15 MS. DAVIS: Are you all ready to
16 open?

17 MR. MEDIO: We are going to need to
18 recess for a few minutes. Can we have five minutes,
19 please?

20 CHAIRMAN HOLDEN: Five minutes.

21 MR. MEDIO: Thanks.

22 (A recess was taken.)

23 CHAIRMAN HOLDEN: Mr. Coggins.

24 MR. MEDIO: Thank you for your time.

1 The Booths were under the impression that this board
2 had the authority to invalidate the order dated
3 October 31, 2017 and, as a result of the outcome of
4 this hearing, there was a possibility that the
5 matter pending in Superior Court against them would
6 no longer be going forward.

7 As a result of the fact that the
8 outcome of this decision will have no impact on that
9 matter pending before Superior Court, the Booths are
10 not going to move forward with this appeal, and we
11 are not going to have a hearing today.

12 MS. DAVIS: Are you withdrawing the
13 appeal?

14 MR. MEDIO: Yes.

15 MR. COGGINS: Yes.

16 MS. DAVIS: Is there anything else we
17 need?

18 CHAIRMAN HOLDEN: Nothing else.

19 (An off-the-record discussion was held.)

20 (Concluded at 10:02 a.m.)

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