

Steven Liang

From: skiadvocat@aol.com
Sent: Monday, May 10, 2021 6:44 PM
To: chestnutmarlane@gmail.com; skiadvocat@aol.com
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Subject: Motion / Request for Recusal - Counsel to Water Rate Board
Attachments: Skiendzielewski 20170518.pdf

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**Marlane Chestnut
Hearing Officer
Water Rate Board**

Enclosed is my request/motion for a petition for recusal of counsel to the Water Rate Board due to the relevant decision-making, conflicts, evidence and correspondence presented below.

document attached, DCH correspondence, dated 5-18-2017

Michael Skiendzielewski

-----Original Message-----

From: skiadvocat@aol.com
To: spopowsky@gmail.com <spopowsky@gmail.com>; skiadvocat@aol.com
Sent: Sun, May 9, 2021 7:31 pm
Subject: Fwd: Recusal - Applicable in WRB proceedings

**Mr. Popowsky
Chairman, Water Rate Board**

Dear Sir:

As you can see from the email messages attached to this correspondence (below), I requested that the Water Rate Board review my request and motion for recusal of counsel to the WRB due to multiple conflicts of interests, unprofessional and unethical conduct and decision-making which claims have been documented with facts, evidence, correspondence, etc. This original request was sent on February 24, 2021 and your reply message was received later that day:

This is not a matter that is currently before me or the Water Rate Board. The discovery process will go forward under the direction of the Hearing Examiner at this time.

Since you and the members of the WRB have been advised previously of my intent re a motion for recusal, and the discovery process is completed, I am once again reminding the WRB of the serious, important and critical matter which issues and conflicts unresolved have the potential to adversely affect and impact the fairness, objectivity, integrity and professionalism of the WRB proceedings, settlement discussions, and generation of the final report and settlement in this matter.

Regardless of the responsibility and task of the WRB with respect to the setting of water rates and related concerns, the WRB has a basic and primary professional responsibility to ensure and safeguard the processes, reports and deliberations that occur and are produced from such deleterious effects such as conflicts of interest, unprofessional conduct, unethical decision making, etc. as evidenced on the record by counsel to the Water Rate Board.

Such issues include, but are not limited to, (1) the civil-rights violative statement in May 2018 closing off government access/redress to this citizen and consumer and since that time, this consumer has yet to receive a single response from the Inspector General's Office, the Chief Integrity Officer of Philadelphia, and several Integrity Officers in city departments, where allegations of ethical and integrity violations and misconduct were submitted, (2) the professional misconduct exhibited by the failure of properly advising PWD petitioners to the Tax Review Board of their right to a second appeal to the TRB over a span of many years, when he was Law Department supervisor of the unit responsible for legal services at TRB proceedings and to the TRB, (3) affirming that the city/PWD have no financial liability for the expenses incurred from a consumer's failed long sewer laterals, though he himself approved a modified PWD HELP loan where the PWD paid for \$5500 of the consumer's expenses for the loan, (4) in response to an allegation of financial impropriety in the management of PWD HELP loans to the Integrity Officer, Kathleen McColgan, Deputy Revenue Commissioner, Revenue Department of the City of Philadelphia, WRB counsel submitted a four-page document HE authored and HE signed as the official city response closing the investigation into the allegation submitted in 2021 (WRB counsel's letter, in which HE does not investigate the allegation of financial impropriety but rather details my advocacy and efforts in that regard, was generated in 2017)...(COPY ATTACHED)

No public entity, responsible for conducting hearings, oversight, review, consideration and report issuance, is permitted to suspend or disregard clear and substantiated professional misconduct and conflicts of interest when it is indeed likely, as in these WRB hearings with several key serious and disturbing instances, that such egregious and unethical conduct can have a deleterious effect on the validity, accuracy and integrity of the decisions and outcomes derived from such a public process.

The obligation and duty of the Water Rate Board is to ALL Philadelphia Water Department consumers that these hearings are fair, balanced, impartial and unbiased and, if necessary, steps will be taken to ensure that the public hearings are protected in that regard. Even if WRB regulations do not permit any legal decision or action re the recusal motion, given the facts and issues I have entered into the record concerning the conduct of counsel to the WRB, it is imperative that every member of the Water Rate Board issue a public statement that they are committed to ensuring fair and impartial hearings and safeguarding the processes from unethical and unprofessional conduct and decision making as well as any conflicts of interest

that may unfairly bias the process and outcomes. Given the significant number of issues and overwhelming evidence to support these allegations, silence is simply not an option when it is related to the most fundamental and essential principles of public service.....ethics and integrity.

I thank you, Mr. Chairman, for allowing me to remind you of my commitment to the recusal motion and look forward to your response at your earliest convenience.

Michael Skiendzielewski

-----Original Message-----

From: spopowsky@gmail.com

To: skiadvocat@aol.com

Sent: Wed, Feb 24, 2021 4:46 pm

Subject: RE: Recusal - Applicable in WRB proceedings ?

This is not a matter that is currently before me or the Water Rate Board. The discovery process will go forward under the direction of the Hearing Examiner at this time.

From: skiadvocat@aol.com <skiadvocat@aol.com>

Sent: Wednesday, February 24, 2021 10:13 AM

To: spopowsky@gmail.com; MICHAEL SKIENDZIELEWSKI <skiadvocat@aol.com>

Subject: Recusal - Applicable in WRB proceedings ?

Mr. Popowsky

I apologize for the query immediately before this morning' s virtual WRB proceedings. I hope you understand that my advocacy is a party of one, without the luxury of a team of attorneys at my disposal.

RECUSAL

"....disqualify (oneself) as judge / attorney in a particular case broadly : to remove (oneself) from participation to avoid a conflict of interest...."

Due to the fact that (1) I will be submitting once again a request for records from the PWD involving various processes, documents and outcomes in PWD HELP loans (2) Daniel Cantu Hertzler is counsel to the Water Rate Board and (3) Mr. Cantu Hertzler has been directly and intimately involved in the legal oversight of not only PWD HELP loans at adjoining properties with FINANCIALLY disparate outcomes but many other HELP loans as well. There are other decisions by this senior deputy city solicitor that impacted PWD consumers, including the failure of legal counsel to the Tax Review Board to notify and inform many petitioners of their right to another appeal under Article 15 of the TRB regulations. Such TRB proceedings included PWD customers' appeals relating to water charges and PWD HELP loans.

Mr Popowsky, does the WRB regulations permit recusal of attorneys for conflict of interest issues as presented above? If so, how is that process initiated or implemented?

If recusal is not part of the WRB regulations, is the principle of recusal an inherent element of professional responsibility of attorneys? Is it up to this participant to formally submit correspondence requesting recusal based, in part, on the facts presented above?

If you are unable to or not required by the WRB regulations to respond, please advise via appropriate referral so that I can proceed with inquiry.

Michael Skiendzielewski