

**State of New York
Industrial Board of Appeals
Minutes of January 30, 2019 Board Meeting**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on January 30, 2019 by video conference from the Board's regional offices in New York City and Utica, and its main office in Albany, New York. The Board's Chairperson, Molly Doherty, called the meeting to order at 9:21 a.m.

ATTENDANCE

New York City

Molly Doherty, Chairperson
J. Christopher Meagher, Member
Gloribelle J. Perez, Member
Matthew Robinson-Loffler, Associate Counsel
Jane M. Ipanaque, Secretary for NYC

Albany

Anne Hohenstein, Managing Attorney

Utica

Michael A. Arcuri, Member

MINUTES

On motion by Mr. Meagher, duly seconded by Ms. Perez, and unanimously carried, the minutes of the previous meeting held on December 12, 2018 were approved.

REPORTS

Reports showing statistics and case status were distributed to Board Members and staff. The monthly report reflecting activity for year-end December 2018 was reviewed and discussed.

	<u>December</u>		<u>Year-to-Date</u>	
	2018	2017	2018	2017
NEW PROCEEDINGS COMMENCED:	15	13	105	213
Section 101 - Review Petitions	14		92	
Section 27-A - Public Employer Safety	1		9	
Section 104 - Corporate Documents	0		4	
Stay Applications	0		0	
HEARINGS HELD:	6	4	80	104
VIDEO HEARINGS HELD:	4	2	38	35
Capital District	0		1	
Upstate	3		7	
Downstate	0		15	
New York City	3		57	
HEARINGS SCHEDULED/NOT HELD:	11	19	189	167
Postponed	5	14	128	111
Resolved Prior to Hearing	6	5	61	56
Administratively Closed	6	5	56	75
BOARD RESOLUTIONS	6	12	69	106
CASES CLOSED:	6	12	66	101
Section 101	6		60	
Section 27-A	0		5	
Section 104	0		3	
Section WB	0		1	

INTERIM RESOLUTIONS:	0	0	3	5
Stay Applications	0		0	
Interim Decisions	0		3	

On motion by Mr. Meagher, duly seconded by Ms. Perez, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 9:28 a.m.

Section 101:

Docket No. Name

- PR 15-148 Roy J. Schukraft, Jr. and RJS Janitorial, LLC
- PR 16-155 Ralph T. Pescrillo, Pescrillo Niagara, LLC, and Pescrillo New York, LLC (T/A Ralph T. Pescrillo Development)
- PR 17-097 James Michael Foley and Reel Fast Fishing Adventures, Inc. (T/A Hampton Lady Beach Bar and Grill)
- PR 18-024 Victor A. Dedvukaj, Anthony Joseph Dilullo, and Johnny’s Pizzeria of Mamaroneck Inc T/A Joe’s Pizza
- PR 18-041 Koon Ja Song and Hyo Kook Song a/k/a Henry Song and Mrs. J’s Café of L.I., Inc. T/A Mrs. J’s Cafe
- PR 18-045 Michelle Kanhai & Andy Kanhai & Happily Ever After Daycare, LLC T/A Happily Ever After Daycare & Preschool and Once Upon A Time Daycare LLC
- PR 18-047 Kenneth V. Reisig and New York State Safety Standard Inc.
- PR 18-049 Childrens Community Services
- PR 18-053 South Nassau Walk-In Medical Care, P.C.
- PR 18-061 Glenn Walker T/A Great Northern Trading Co.
- PR 18-071 Monica A. Cholewa a/k/a Monika Emad and Olive Tan Spa, LLC T/A Olive Organic

On motion by Mr. Meagher, duly seconded by Mr. Arcuri, and unanimously carried, the Resolutions of Decision under Section 101 were adopted.

Section 104:

Docket No. Name

- CI 18-004 Superior Officers’ Association, Police Department, County of Suffolk, Inc.
- CI 18-007 United Probation Officers Association of The City of New York, Inc.

On motion by Mr. Arcuri, duly seconded by Ms. Doherty, and unanimously carried, the Resolutions of Decision under Section 104 were adopted.

On motion by Mr. Arcuri, duly seconded by Ms. Perez, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 10:17 a.m.

Discussion

The Board discussed non-appearance of witnesses after testimony has commenced.

UPCOMING BOARD MEETING DATES AND LOCATIONS

- Wednesday, March 6, 2019, Board Meeting at 9:00 a.m., NYC room D
- Wednesday, April 17, 2019, Board Meeting at 9:00 a.m., NYC room D
- Wednesday, May 29, 2019, Board Meeting at 9:00 a.m., NYC room D
- Wednesday, July 10, 2019, Board Meeting at 9:00 a.m., NYC room D
- Wednesday, September 11, 2019, Board Meeting at 9:00 a.m., NYC room D
- Wednesday, October 23, 2019, Board Meeting at 9:00 a.m., NYC room D

Wednesday, December 11, 2019, Board Meeting at 9:00 a.m., NYC room D

ADJOURNMENT

There being no further business, upon motion by Ms. Doherty, duly seconded by Ms. Perez, and unanimously carried, the meeting was adjourned at 10:48 a.m.