

**State of New York  
Industrial Board of Appeals  
Minutes of May 29, 2019 Board Meeting**

**CALL TO ORDER**

The regularly scheduled meeting of the Industrial Board of Appeals was held on May 29, 2019 at the Board's regional office in New York City. The Board's Chairperson, Molly Doherty, called the meeting to order at 10:10 a.m.

**ATTENDANCE**

Molly Doherty, Chairperson  
J. Christopher Meagher, Member  
Gloribelle J. Perez, Member  
Michael A. Arcuri, Member  
Jean Grumet, Administrative Law Judge  
Matthew Robinson-Loffler, Associate Counsel  
Jane M. Ipanaque, Secretary for NYC

**MINUTES**

On motion by Ms. Perez, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on March 6, 2019 were approved.

**REPORTS**

Reports showing statistics and case status were distributed to Board Members and staff. The monthly report reflecting activity for February, March, and April 2019 was reviewed and discussed.

	<u>February</u> 2019	<u>March</u> 2019	<u>April</u> 2019	<u>Year-to-Date</u> 2019	<u>2018</u>
<b>NEW PROCEEDINGS COMMENCED:</b>	<b>12</b>	<b>13</b>	<b>20</b>	<b>62</b>	<b>25</b>
Section 101 - Review Petitions	12	11	20	59	
Section 27-A - Public Employer Safety	0	2	1	3	
Section 104 - Corporate Documents	1	0	0	0	
Stay Applications	0	0	0	0	
<b>HEARINGS HELD:</b>	<b>5</b>	<b>8</b>	<b>4</b>	<b>26</b>	<b>39</b>
<b>VIDEO HEARINGS HELD:</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>19</b>	<b>16</b>
Capital District	1	0	0	3	
Upstate	3	2	1	6	
Downstate	0	0	0	0	
New York City	1	6	3	17	
<b>HEARINGS SCHEDULED/NOT HELD:</b>	<b>12</b>	<b>9</b>	<b>13</b>	<b>46</b>	<b>79</b>
Postponed	9	8	10	34	50
Resolved Prior to Hearing	3	1	3	12	59
Administratively Closed	3	1	3	12	28
<b>BOARD RESOLUTIONS</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>20</b>	<b>23</b>
<b>CASES CLOSED:</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>20</b>	<b>23</b>
Section 101	0	0	0	18	
Section 27-A	0	0	0	0	
Section 104	0	0	0	2	

Section WB	0	0	0	0	
<b>INTERIM RESOLUTIONS:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Stay Applications	0	0	0	0	
Interim Decisions	0	0	0	0	

**CONSIDERATION OF RESOLUTIONS & DELIBERATION**

On motion by Mr. Arcuri, duly seconded by Ms. Doherty, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:17 a.m. Board Member, Christopher Meagher, recused himself from participating in any discussion or voting in the matter of Docket No. PR 18-014 and was excused from the meeting.

**Section 101:**

Docket No. Name

PR 18-014 Mariellen Cupini

Except for Mr. Meagher who is recused from discussing and voting on this decision, the Board, on motion by Mr. Arcuri duly seconded by Ms. Perez, unanimously carried the Resolution of Decision under Section 101 was adopted.

Mr. Meagher returned to the meeting at 10:25 a.m. for quasi-judicial deliberation of the remaining decisions.

**Settlements and Approval of Withdrawal of Petitions/Orders/Applications:**

Docket No. Name

PR 18-076 Thomas F. Cela and Celco Manufacturing, Inc. T/A York Metal Toll Processing  
 CI 19-001 Advancing Local Leadership Opportunities for Women, Inc.

On motion by Mr. Arcuri duly seconded by Ms. Perez, and unanimously carried, the Resolution of Decision for Settlements and Approval of Withdrawal of Petitions/Orders/Applications was adopted.

**Section 101:**

Docket No. Name

- PR 16-092 The Arc of Livingston-Wyoming
- PR 17-131 Chaudhry M. Razzaq A/K/A Chaudhry Chaudry and Jerome Auto Repair Corp.
- PR 18-012 Benjamin G. Abraham
- PR 18-016 Ahmad A. Hussein T/A Alyas Home Improvement
- PR 18-033 Edward D. Vugmayster, Jr. A/K/A Edward Vugmayster and Best Buy Liquors, Inc. FKA Crazy Eddie Liquors Inc. T/A Best Buy Liquors
- PR 18-040 Ali Araif A/K/A Araif Ali and Buffalo Financial Services LLC T/A Delavan Check Cashing
- PR 18-057 Linda M. Carron and Westchester Architectural Glass, Inc.
- PR 18-073 Rickanda Smith and Reiki Construction Corp.
- PR 18-081 Perry A. Ciambella and Ciambella Home Care, Inc. T/A Firstlight Home Care
- PR 18-084 VK Real Estate Holdings, LLC T/A VK Holding Corporation
- PR 18-091 Steve Kellman and Tacc General Contractor, Inc.
- PR 19-008 Michael Joseph Filippone, Sr. A/K/A Michael Filippone and Prima Contracting LTD
- PR 19-009 Michael Scott Bregman
- PR 19-012 Romick K. Adams T/A RKA Piping and Heating
- PR 19-044 Jacob Adams
- PR 19-049 Michael J. O'Brien, Jr.

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

**Section 27-A:**

**Docket No. Name**

PES 16-010 Joel W. Frederick – Corrected and Reissued Resolution of Decision

PES 19-001 Triborough Bridge and Tunnel Authority’s Second Petition for Modification of Abatement  
Date

PES 19-002 Brian M. Granger

On motion by Mr. Arcuri duly seconded by Ms. Perez, and unanimously carried, the Resolutions of Decision under Section 27-A were adopted.

**Section 104:**

**Docket No. Name**

CI 19-002 The East Hampton Town Police Superior Officers Association, Inc.

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

On motion by Ms. Perez duly seconded by Ms. Doherty, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:32 a.m.

**DISCUSSION**

The Board discussed the following topics:

- A. Exhibits for the hearing
  - during the pre-hearing conference, discuss with the parties the required number of exhibits they must bring to the hearing.
- B. PES 16-013
- C. Board news
- D. Art 78s
- E. Update on DOL regs (min. wage tip credits, sleep and mealtime regs, call-in or on-call scheduling)

**UPCOMING BOARD MEETING DATES AND LOCATIONS**

Wednesday, July 10, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, September 11, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, October 23, 2019, Board Meeting at 10:00 a.m., NYC room D

Wednesday, December 11, 2019, Board Meeting at 10:00 a.m., NYC room D

**ADJOURNMENT**

There being no further business, upon motion by Mr. Meagher duly seconded by Ms. Perez, and unanimously carried, the meeting was adjourned at 12:05 p.m.