

**State of New York
Industrial Board of Appeals
Minutes of September 11, 2019 Board Meeting**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on September 11, 2019 by video conference from the Board's principal office in Albany, and regional offices in Utica and New York City. The Board's Chairperson, Molly Doherty, called the meeting to order at 10:03 a.m.

ATTENDANCE

New York City

Molly Doherty, Chairperson
Gloribelle J. Perez, Member
Patricia Kakalec, Member
Najah Farley, Member
Jean Grumet, Administrative Law Judge
Matthew Robinson-Loffler, Associate Counsel
Jane M. Ipanaque, Secretary for NYC

Albany

Anne Hohenstein, Managing Attorney
Dana E. DePass, Secretary for Albany

Utica

Michael A. Arcuri, Member

MINUTES

On motion by Ms. Perez, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on May 29, 2019 were approved.

REPORTS

Reports showing statistics and case status were distributed to Board Members and staff. The monthly report reflecting activity for May, June, July, and August 2019 was reviewed and discussed.

	<u>May</u> 2019	<u>June</u> 2019	<u>July</u> 2019	<u>August</u> 2019	<u>Year-to-Date</u> 2019 2018	
NEW PROCEEDINGS COMMENCED:	16	12	19	28	138	47
Section 101 - Review Petitions	13	10	17	23	122	
Section 27-A - Public Employer Safety	1	0	1	5	10	
Section 104 - Corporate Documents	2	2	1	0	6	
Stay Applications	0	0	0	0	0	
HEARINGS HELD:	8	9	9	5	57	57
VIDEO HEARINGS HELD:	3	2	6	2	32	24
Capital District	1	0	1	2	7	
Upstate	2	2	3	2	15	
Downstate	0	2	1	1	4	
New York City	5	5	4	0	31	
HEARINGS SCHEDULED/NOT HELD:	9	9	13	8	85	121
Postponed	8	8	6	4	60	
Resolved Prior to Hearing	1	1	7	4	25	
Administratively Closed	1	1	7	3	24	
BOARD RESOLUTIONS	21	0	0	0	41	39
CASES CLOSED:	21	0	0	0	41	39
Section 101	17	0	0	0	35	0
Section 27-A	3	0	0	0	3	0

Section 104	1	0	0	0	3	0
Section WB	0	0	0	0	0	0
INTERIM RESOLUTIONS:	0	0	0	0	0	0
Stay Applications	0	0	0	0	0	0
Interim Decisions	0	0	0	0	0	0

CONSIDERATION OF RESOLUTIONS & DELIBERATION

On motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:18 a.m.

Section 101:

Docket No. Name

- PR 18-036 Francis J. Paolangeli and Rese Ithaca Limited T/A Paolangeli Contractor
- PR 18-042 Arlina A. Contreran A/K/A Arlina Waheed Butt A/K/A Arlina A. Contreras and NYCS Fried Chicken Dinner Inc.
- PR 18-063 Nan N. Oo
- PR 18-085 Amandeep Singh and Rennon Construction Corp.
- PR 18-090 Robert J. Aronson and Empire Carpet Supplies, Inc.
- PR 19-011 Rhandy Landayan Libiran
- PR 19-022 Fletcher A. Brothers and Gates Community Chapel of Rochester, Inc. D/B/A Freedom Village USA, Inc.
- PR 19-031 Jonathan Iveys and Medic Transportation Inc. T/A Medical Transportation
- PR 19-035 Abdul Bari Nasary
- PR 19-036 Laura A. Brito A/K/A Laura Ortiz Brito, Ricardo Brito A/K/A Ricardo J. Brito, and Silva Cabinetry, Inc. T/A Silva Cabinetry & Stone
- PR 19-058 Hungry Bunny Café Inc.
- PR 19-063 John Alvarez A/K/A John Freddy Alvarez and John Alvarez Corp.
- PR 19-066 James L. Geritano T/A Bagels by The Park
- PR 19-076 Ann Marie Mane A/K/A Mame N. Mane and Wee Care Childcare, LLC
- PR 19-091 Jordan Poluch and Off The Bone BBQ
- PR 19-092 Jhong Unk Kim A/K/A Kim Jhong Unk and Richmond Ihop LLC T/A Richmond Ihop

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

Section 27-A:

Docket No. Name

- PES 16-013 Cory Wright

On motion by Ms. Perez duly seconded by Ms. Farley, and unanimously carried, the Resolution of Decision under Section 27-A was adopted.

The Board took a short recess at 12:07 p.m. and returned to the meeting at 12:17 p.m.

Section 104:

Docket No. Name

- CI 19-003 American Influencer Council, Inc.
- CI 19-004 Warren County Corrections Officers’ Association, Inc.
- CI 19-005 Chinese Mutual Labor Union Inc.

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

DISCUSSION

The Board was provided with materials and discussed the following topics:

- A. *Silvar v. Commissioner of DOL*
- B. ICE arrest of worker during deposition in wage and hour case
- C. Impeachment of witnesses at hearings
- D. Witness Notes

Mr. Arcuri departed the meeting at 12:53 p.m. On motion by Ms. Perez duly seconded by Ms. Farley, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 1:02 p.m.

UPCOMING BOARD MEETING DATES AND LOCATIONS

- 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
- Wednesday, January 29, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, March 18, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, May 6, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, June 24, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, August 12, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, September 30, 2020, Board Meeting at 10:00 a.m., NYC room D
- Wednesday, November 18, 2020, Board Meeting at 10:00 a.m., NYC room D

ADJOURNMENT

There being no further business, upon motion by Ms. Perez duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 1:07 p.m.