

**Minutes of the Board Meeting  
on January 29, 2020 of  
The NYS Industrial Board of Appeals**

**CALL TO ORDER**

The regularly scheduled meeting of the Industrial Board of Appeals was held on January 29, 2020 by video conference from the Board’s regional offices in New York City and Utica, and its principal office in Albany participated by phone. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:29 a.m.

**ATTENDANCE**

**New York City**

Molly Doherty, Chairperson  
Gloribelle J. Perez, Member  
Patricia Kakalec, Member  
Najah Farley, Member  
Jean Grumet, Administrative Law Judge  
Benjamin A. Shaw, Counsel  
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 Ms. Perez, duly seconded by Ms. Farley, and unanimously carried, the minutes of the previous meeting held on December 11, 2019 were approved.

**REPORTS**

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

|                                       | <b><u>December</u></b> |             | <b><u>Year-to-Date</u></b> |             |
|---------------------------------------|------------------------|-------------|----------------------------|-------------|
|                                       | <b>2019</b>            | <b>2018</b> | <b>2019</b>                | <b>2018</b> |
| <b>NEW PROCEEDINGS COMMENCED:</b>     | <b>10</b>              | <b>15</b>   | <b>181</b>                 | <b>105</b>  |
| Section 101 - Review Petitions        | 9                      |             | 159                        |             |
| Section 27-A - Public Employer Safety | 1                      |             | 15                         |             |
| Section 104 - Corporate Documents     | 0                      |             | 7                          |             |
| Stay Applications                     | 0                      |             | 0                          |             |
| <b>HEARINGS HELD:</b>                 | <b>4</b>               | <b>6</b>    | <b>86</b>                  | <b>80</b>   |
| <b>VIDEO HEARINGS HELD:</b>           | <b>4</b>               | <b>4</b>    | <b>50</b>                  | <b>38</b>   |
| Capital District                      | 1                      |             | 9                          |             |
| Upstate                               | 0                      |             | 17                         |             |
| Downstate                             | 3                      |             | 16                         |             |
| New York City                         | 5                      |             | 55                         |             |
| <b>HEARINGS SCHEDULED/NOT HELD:</b>   | <b>13</b>              | <b>11</b>   | <b>136</b>                 | <b>189</b>  |
| Postponed                             | 9                      | 5           | 97                         | 128         |
| Resolved Prior to Hearing             | 4                      | 6           | 39                         | 61          |
| Administratively Closed               | 4                      | 6           | 38                         | 56          |
| <b>BOARD RESOLUTIONS</b>              | <b>9</b>               | <b>6</b>    | <b>80</b>                  | <b>69</b>   |

|                             |          |          |           |           |
|-----------------------------|----------|----------|-----------|-----------|
| <b>CASES CLOSED:</b>        | <b>8</b> | <b>6</b> | <b>79</b> | <b>66</b> |
| Section 101                 | 7        |          | 63        |           |
| Section 27-A                | 1        |          | 10        |           |
| Section 104                 | 0        |          | 6         |           |
| Section WB                  | 0        |          | 0         |           |
| <b>INTERIM RESOLUTIONS:</b> | <b>1</b> | <b>0</b> | <b>1</b>  | <b>3</b>  |
| Stay Applications           | 0        |          | 0         |           |
| Interim Decisions           | 1        |          | 1         |           |

**CONSIDERATION OF RESOLUTIONS & DELIBERATION**

On motion by Ms. Perez, duly seconded by Ms. Kakalec, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:33 a.m.

**Section 101:**

Docket No. Name

- PR 17-060 Mohammad Afzal
- PR 18-038 First Dacia Corporation T/A Romanian Garden Restaurant
- PR 19-076 Ann Marie Mane a/k/a Mame N. Mane and Wee Care Childcare, LLC
- PR 19-102 Johnathan Edward Hamiter II
- PR 19-104 Samir Z. Dhanani and Queens Dollar Inc. T/A 99 Cents Rush

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

**Section 27-A:**

Docket No. Name

- PES 16-016 Town of Mayfield
- PES 17-013r Anna Guan – Motion for Reconsideration

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

**Section 104:**

Docket No. Name

- CI 19-007 North Tonawanda Registered Nurses Association, Inc.

Resolution of Decision CI 19-007 was removed from the Board’s agenda for further deliberation.

On motion by Ms. Kakalec, duly seconded by Ms. Perez, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 12:13 p.m. At this time, Ms. Grumet left the meeting to recuse herself from participating in any further discussions.

**DISCUSSION**

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

- A. Global Cash Card appeal
- B. Subminimum wage regulations
- C. Subpoena enforcement action

**UPCOMING BOARD MEETING DATES AND LOCATIONS**

Tentatively scheduled, Wednesday, March 4, 2020 at 10:00 a.m., in NYC

Wednesday, March 25, 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 Mr. Arcuri, duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 12:23 p.m.