

**Minutes of the November 10, 2021
Board Meeting of
The NYS Industrial Board of Appeals**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on November 10, 2021 by video conference. The Board's Chairperson, Molly Doherty, called the meeting to order at 10:15 a.m.

ATTENDANCE

Molly Doherty, Chairperson
Michael A. Arcuri, Member
Patricia Kakalec, Member
Najah Farley, Member
Sandra Abeles, Member

Benjamin A. Shaw, Counsel
Matthew D. Robinson-Loffler, Associate Counsel
Jane M. Ipanaque, Administrative Assistant

MINUTES

On motion by Mr. Arcuri, duly seconded by Ms. Abeles, and unanimously carried, the minutes of the previous meeting held on September 29, 2021 were approved.

REPORTS

The monthly report reflecting activity for July and August 2021 was reviewed and discussed.

	September		October		Year to Date	
	2021	2020	2021	2020	2021	2020
NEW PROCEEDINGS COMMENCED:	20	3	10	0	157	106
Section 101 - Review Petitions	20	0	9	0	140	86
Section 27-A - Public Employer Safety	0	1	1	0	10	10
Section 104 - Corporate Documents	0	2	0	0	7	10
Stay Applications	0	0	0	0	0	0
HEARINGS HELD:						
VIDEO HEARINGS HELD:	2	0	11	0	80	16
HEARINGS SCHEDULED/NOT HELD:	7	2	3	2	58	141
Administratively Closed	6	2	1	2	75	57
BOARD RESOLUTIONS:	12	11	0	6	50	35
CASES CLOSED:	10	11	0	6	48	36
Section 101	6	9	0	6	33	26
Section 27-A	2	1	0	0	7	3
Section 104	2	1	0	0	8	6
Section WB	0	0	0	0	0	1
INTERIM RESOLUTIONS:	2	0	0	0	2	0

Stay Applications	0	0	0	0	0	0
Interim Decisions	2	0	0	0	2	0
IBA Rules	0	0	0	0	0	0
Other	0	0	0	0	0	0

CONSIDERATION OF RESOLUTIONS & DELIBERATION

On motion by Ms. Farley, duly seconded by Ms. Kakalec, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:17 a.m.

Section 101:

Docket No. Name

- PR 17-137 Akbarali Himani and Alifine Dining, Inc. (T/A Nanking Restaurant)
- PR 18-082 Reginald J. Palmer II and Solutions NE LLC T/A Clean Home Solutions
- PR 19-149 George P. Psathas and North Avenue Twin Donuts LLC
- PR 20-012 Azzam Mohamed and Ali Mohamed aka Ali A. Mohammad and A&A Drugs Inc. T/A Broadmeds Pharmacy
- PR 20-015 Wen Zhou aka Wen Yao Zhao and New Tobiko Restaurant Inc.
- PR 20-055 Wei Song a/k/a Wei Zhong

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

Section 27-A:

Docket No. Name

- PES 21-002 Town of Middleburgh

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

On motion by Ms. Farley, duly seconded by Mr. Arcuri, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:30 a.m.

DISCUSSION

The Board discussed the following topics:

- A. Covid-19 vaccine proof or Covid-19 weekly testing mandate
- B. Hiring administrative person for Albany
- C. Rules update

UPCOMING BOARD MEETING DATES AND LOCATIONS

- Wednesday, December 22, 2021, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, February 9, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, March 30, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, May 18, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, July 13, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, September 21, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, November 9, 2022, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, December 14, 2022, Board Meeting at 10:00 a.m., via Zoom

ADJOURNMENT

There being no further business, upon motion by Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the meeting was adjourned at 11:37 a.m.