

**Minutes of the February 9, 2022
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 February 9, 2022, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:09 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. Farley, and unanimously carried, the minutes of the previous meeting held on December 22, 2021, were approved.

REPORTS

The monthly report reflecting activity for November and December 2021, and January 2022 were reviewed and discussed.

	November		December		Year to Date	
	2021	2020	2021	2020	2021	2020
New Proceedings Commenced:	16	5	14	13	189	106
Section 101 - Review Petitions	14	3	10	11	165	86
Section 27-A - Public Employer Safety	2	1	2	0	14	10
Section 104 - Corporate Documents	0	1	2	2	10	10
Stay Applications	0	0	0	0	0	0
Hearing Held:	7	3	5	3	92	16
Video Hearings	7	3	5	3	92	16
Hearings Scheduled/Not Held:	3	2	5	6	66	141
Administratively Closed:	4	0	7	1	86	57
Board Resolutions:	7	10	9	0	66	35
Cases Closed:	7	10	9	0	64	36
Section 101	6	6	9	0	48	26
Section 27-A	1	0	0	0	8	3
Section 104	0	4	0	0	8	6

Section WB	00	0	0	0	0	1
Interim Resolutions:	0	0	0	0	2	0
Stay Applications	0	0	0	0	0	0
Interim Decisions	0	0	0	0	0	0
IBA Rules	0	0	0	0	0	0
Other	0	0	0	0	0	0

	January		Year to Date	
	2022	2021	2022	2021
New Proceedings Commenced:	14	8	14	189
Section 101 - Review Petitions	14	6	14	165
Section 27-A - Public Employer Safety	0	1	0	14
Section 104 - Corporate Documents	0	1	0	10
Stay Applications	0	0	0	0
Hearing Held:				
Video Hearings	5	8	5	92
Hearings Scheduled/Not Held:	6	7	6	66
Administratively Closed:	4	2	4	86
Board Resolutions:	0	8	0	66
Cases Closed:	0	8	0	64
Section 101	0	7	0	48
Section 27-A	0	0	0	8
Section 104	0	1	0	8
Section WB	0	0	0	0
Interim Resolutions:	0	0	0	2
Stay Applications	0	0	0	0
Interim Decisions	0	0	0	2
IBA Rules	0	0	0	0
Other	0	0	0	0

In quasi-judicial deliberation

On motion by Ms. Farley, duly seconded by Mr. Arcuri, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:13 a.m.

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name

- PR 19-010 Morris L. Kaff A/K/A Moshe Kaff A/K/A Moshi Kaff and Zomick's Food Products, Ltd. T/A Zomick's Bakery
- PR 19-017r Massimiliano Pincione AKA Max Pincione and Patrick M. Pincione and Tower Enterprises, Inc.
- PR 19-105 Harilaos M. Giannatos AKA Harry Giannatos and New Age Contractors Service Corp.
- PR 19-129 Kan Liu, Ying Liu, He Liu and Edo Sushi & Grill, Inc. T/A Edo Restaurant
- PR 19-153 Kennedy Peralta Peraltaduran AKA Kennedy Peralta and Yokaira Solano AKA 'Suly' and La Placita Washington Heights Corp. T/A La Placita
- PR 20-052 Mian Nadim Saber A/K/A Nadeem Saber and Saima Saber
- PR 21-089 Andrew Zurica and AZTP Holdings, LLC T/A Andrew's Classic Brooklyn Bagels
- PR 21-111 Commercial Contracting & Management, Inc. and George Williams
- PR 21-124 Karen McLean
- PR 21-131 Eng Fei Lin and New Gold Nail & Spa Inc. T/A New Gold Nail & Spa
- PR 21-136 Tanya Terrell Robinson T/A Bontetes Daycare Inc.

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

Section 107:

Docket No. Name

- PES 19-010 Sanja Drinks-Bruder

On motion by Ms. Farley, duly seconded by Ms. Kakalec, and unanimously carried, the Resolution of Decision under Section 107 was adopted.

Section 104:

Docket No. Name

- CI 21-010 Solutions Union, Inc.

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

DISCUSSION

The Board discussed the following topic:

- A. Board rules, comments, and changes

Board Rules

On motion by Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously, authorized Molly Doherty, as Chairperson of the New York State Industrial Board of Appeals, to formally adopt the rules previously voted on, the revised texts in response to comments, the responses to the comments, and any other documentation and certifications that are required to be filed with the Department of State.

Out of quasi-judicial deliberation

On motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:39 a.m.

Ms. Abeles departed the meeting at 11:40 a.m.

UPCOMING BOARD MEETING DATES AND LOCATIONS

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

Canceled - Wednesday, December 14, 2022, Board Meeting will be rescheduled

Electronic Filing Extension

On motion by Ms. Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously carried, the Board's temporary suspension of paper filing requirements to allow for electronic filing service is extended from February 11, 2022 until May 25, 2022.

ADJOURNMENT

There being no further business, upon motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 11:46 a.m.