

**Minutes of the March 30, 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 March 30, 2022, by video conference. The Board's Chairperson, Molly Doherty, called the meeting to order at 10:08 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 Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on February 9, 2022, were approved.

**REPORTS**

The monthly report reflecting activity for February 2022, was reviewed, and discussed.

	February		Year to Date	
	2022	2021	2022	2021
<b>New Proceedings Commenced:</b>	<b>8</b>	<b>15</b>	<b>22</b>	<b>189</b>
Section 101 - Review Petitions	7	11	21	165
Section 27-A - Public Employer Safety	0	1	0	14
Section 104 - Corporate Documents	1	3	1	10
Stay Applications	0	0	0	0
<b>Hearing Held:</b>	<b>6</b>	<b>9</b>	<b>11</b>	<b>92</b>
Video Hearings	6	9	11	92
<b>Hearings Scheduled/Not Held:</b>	<b>5</b>	<b>5</b>	<b>11</b>	<b>66</b>
<b>Administratively Closed:</b>	<b>5</b>	<b>2</b>	<b>9</b>	<b>86</b>
<b>Board Resolutions:</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>66</b>
<b>Cases Closed:</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>64</b>
Section 101	0	8	0	48
Section 27-A	0	1	0	8
Section 104	0	0	0	8
Section WB	0	0	0	0

<b>Interim Resolutions:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
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. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:14 a.m.

**CONSIDERATION OF RESOLUTIONS & DELIBERATION**

**Section 101:**

Docket No. Name

- PR 19-081 Jeremy Ogorek
- PR 19-134 Ganem X. Elbasel and Global Design #1 Inc.
- 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 20-003 Djene African Hair Braiding Center and Djene Souko
- PR 20-018 John P. Goutos, M.D. and Oleg Olshanetskiy, D.O.
- PR 20-019 John D. Dellorso, M.D. and Thomas D. Kelliher, Esq.
- PR 20-034 Maria E. Gualpa aka Maria Lema T/A Tacos Picantes Rancheros Inc.
- PR 20-042 Yris A. Arnaud aka Iris Sanchez and El Viejo Gran Café Corp. T/A El Viejo Gran Caffè
- PR 20-055r Wei Song aka Wei Zhong
- PR 20-082 Mehmet Alkurt and Sweet House LLC T/A Anteppli Baklava
- PR 21-010 Jane Nugent and Family Care Health Nurse Practitioner, P.C.
- PR 21-056r Julie Atti Rogers aka Julie A. Atti
- PR 21-142 Carmelo J. Cataudella

Except for Docket number PR 20-003, on motion by Mr. Arcuri, duly seconded by Ms. Abeles, and unanimously carried, the remaining Resolutions of Decision under Section 101 were adopted. The decision for docket number PR 20-003 was removed for further review and deliberation.

**Section 104:**

Docket No. Name

- CI 22-001 Taxi Association of The City of Newburgh Inc.
- CI 22-002 Union Paving & Construction Co. Inc. (Union Paving & Construction NJ)

On motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the Resolutions of Approval under Section 104 were adopted.

**DISCUSSION**

The Board discussed the following topic:

- A. New Rules - 12 NYCRR Part 65 of the Industrial Board of Appeals, Rules of Procedure & Practice - In effect March 30, 2022
- B. Labor Law section 218 – civil penalties
- C. Open Meetings Law

**Out of quasi-judicial deliberation**

On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:04 a.m.

**UPCOMING BOARD MEETING DATES AND LOCATIONS**

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, January 11, 2023, Board Meeting at 10:00 a.m., via Zoom

**ADJOURNMENT**

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