

**The NYS Industrial Board of Appeals
Board Meeting Minutes
of September 21, 2022**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on September 21, 2022, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:18 a.m.

ATTENDANCE

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

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

MINUTES

The earlier motion made by Mr. Arcuri, and seconded by Ms. Kakalec, to approve the minutes of the previous meeting held on July 13, 2022, was vacated. The meeting minutes of July 13, 2022 were amended to include the following language as it pertains to Docket No. PR 19-109 “The Board also voted to issue PR 19-109. However, Ms. Patricia Kakalec is recused from that decision and was not part of the decision or the vote on that decision.” On motion by Ms. Abeles, the Board unanimously carried, to amend the minutes of the previous meeting held on July 13, 2022, was approved.

REPORTS

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

	July		August		Year to Date	
	2022	2021	2022	2021	2022	2021
New Proceedings Commenced:	14	9	3	17	87	189
Section 101 - Review Petitions	12	9	2	13	77	165
Section 27-A - Public Employer Safety	1	0	0	4	4	14
Section 104 - Corporate Documents	1	0	1	0	6	10
Stay Applications	0	0	0	0	0	0
Hearings Held:	6	3	5	6	50	92
Video Hearings	6	3	5	6	50	92
Hearings Scheduled/Not Held:	4	7	3	3	28	66
Administratively Closed:	2	3	5	9	46	86
Board Resolutions:	9	5	0	0	36	66
Cases Closed:	9	5	0	0	36	64
Section 101	9	4	0	0	32	48

Section 27-A	0	1	0	0	1	8
Section 104	0	0	0	0	3	8
Section WB	0	0	0	0	0	0
Interim Resolutions:	0	0	0	0	0	2
Stay Applications	0	0	0	0	0	0
Interim Decisions	0	0	0	0	0	2
IBA Rules	1	0	0	0	1	0
Other	0	0	0	0	0	0

In quasi-judicial deliberation

On motion by Ms. Kakalec, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:22 a.m.

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name

- PR 19-146 Danielle Sylvia Hay T/A Haywire, Inc.
- PR 19-155 Catheryne Chen and Hamlet Delights, Inc.
- PR 21-062 Chung Cho and Bedford Valet Service Corp. T/A 101 Bedford Valet
- PR 21-066 David Elmekies T/A Genieously also T/A Geniously LLC
- PR 22-010 Chrom LLC T/A Chrom Toothpolish
- PR 22-028 Juan B. Olivo
- PR 22-031 Anderson Dias-Moreira and Prestige Construction & Consulting LLC
- PR 22-038 Frank Inzerillo, Antonio Loverde, and Circus Fruits, Inc.
- PR 22-053 Tomasz Matejczuk and Mbros Construction, Inc.

Except for Docket number PR 22-038, on motion by Mr. Arcuri, the Board unanimously carried the remaining Resolutions of Decision under Section 101 were adopted. Thereafter, Ms. Kakalec left the meeting as she recused herself from discussing and voting on the decision for Docket No. PR 22-038. While Ms. Kakalec was not present, the Board, on motion by Ms. Abeles, duly seconded by Mr. Arcuri, unanimously carried, the Resolution of Decision for Docket No. PR 22-038 was adopted.

Interim Decision:

Docket No. Name

- PR 21-076i Jin Xia and Slim Herbal Beauty Corp.

On motion by Ms. Kakalec, the Board unanimously carried, the Interim Resolution of Decision under Section 101 was adopted.

Section 27-A:

Docket No. Name

- PES 19-007 Charles W. Termini
- PES 22-003 Lakhram Brijmohan, P.E. and Entek Engineering, PLLC

On motion by Mr. Arcuri, duly seconded by Ms. Abeles, and unanimously carried, the Resolutions of Decision under Section 27A were adopted.

Section 104:

Docket No. Name

- CI 22-004 Brookville Police Benevolent Association, Inc.
- CI 22-005 Village of Brewster Police Benevolent Association, Inc.
- CI 22-006 Center for Frontline Retail, Inc.

On motion by Mr. Arcuri, the Board unanimously carried, the Resolutions of Approval under Section 104 were adopted.

DISCUSSION

The Board discussed the following topics:

- A. Staff updates
- B. Mandatory training – video

Out of quasi-judicial deliberation

On motion by Ms. Abeles, the Board unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:00 a.m.

UPCOMING BOARD MEETING DATES AND LOCATIONS

- 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
- Wednesday, March 8, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, April 26, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, June 7, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, July 26, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, Sept. 20, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, Nov. 15, 2023, Board Meeting at 10:00 a.m., via Zoom
- Wednesday, Jan. 17, 2024, Board Meeting at 10:00 a.m., via Zoom

ADJOURNMENT

There being no further business, upon motion by Ms. Kakalec, the Board unanimously carried, the meeting was adjourned at 11:08 a.m.