

**The NYS Industrial Board of Appeals
Board Meeting Minutes
of November 9, 2022**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on November 9, 2022, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:05 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, Executive Assistant
Christina Drew, Administrative Assistant

MINUTES

On motion by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on September 21, 2022, were approved.

REPORTS

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

	September		October		Year to Date	
	2022	2021	2022	2021	2022	2021
New Proceedings Commenced:	14	20	15	11	116	189
Section 101 - Review Petitions	13	20	13	10	103	165
Section 27-A - Public Employer Safety	1	0	2	1	7	14
Section 104 - Corporate Documents	0	0	0	0	6	10
Stay Applications	0	0	0	0	0	0
Hearings Held:	4	2	9	11	63	92
Hearings Scheduled/Not Held:	3	7	3	3	34	66
Administratively Closed:	1	6	4	1	51	86
Board Resolutions:	16	12	0	0	52	66
Cases Closed:	14	10	0	0	50	64
Section 101	9	6	0	0	41	48
Section 27-A	2	2	0	0	3	8
Section 104	3	2	0	0	6	8
Section WB	0	0	0	0	0	0

Interim Resolutions:	1	2	0	0	1	2
Stay Applications	0	0	0	0	0	0
Interim Decisions	1	2	0	0	1	2
IBA Rules	0	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 10:12 a.m.

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name

- PR 19-086 Alexander Bedoya and Isabel Bakery & Restaurant Inc.
- PR 21-014 Garreton A. Smith Sr. T/A Artique Construction Services
- PR 21-039 Ifeanyi Chuba Obiakor
- PR 21-054 Philip James Franks and East Meadow Car Wash and Detailing Inc. T/A East Meadow Car Wash
- PR 21-063 Vincent Jaskowiak
- PR 21-071 Prem N. Chand and NY Citywide General Contractors, Inc.
- PR 21-098 Om Sharma and Priyanka Group Inc.
- PR 21-133 William John McLear III and W3 Designs LLC.
- PR 22-039 Restaurant Dela Mora Inc.

On motion by Ms. Doherty, the Board unanimously carried, the Resolutions of Decision under Section 101 were adopted.

Section 27-A:

Docket No. Name

- PES 19-005 Nelson M. Flores
- PES 22-005 Dominick Hudyberdi

Ms. Abeles left the meeting at 10:47 a.m. as she recused herself from discussing and voting on the decision for Docket No. PES 19-005. While Ms. Abeles was not present, the Board, on motion by Ms. Doherty, duly seconded by Mr. Arcuri, unanimously carried, the Resolution of Decision for Docket No. PES 19-005 was adopted. Ms. Abeles returned to the meeting at 11:03 a.m. On motion by Mr. Arcuri, the Board unanimously carried, the Resolutions of Decision for PES 22-005 under Section 27A was adopted.

Section 104:

Docket No. Name

- CI 22-007 Ekra Ltd.

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

Out of quasi-judicial deliberation

On motion by Mr. Arcuri, the Board unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:24 a.m.

DISCUSSION

The Board discussed the following topics:

A. Electronic Signatures

- On the record, the Board unanimously voted to adopt the Delegation of Authority to electronically affix the signatures of Board members to relevant documents.

B. Matt's last Board Meeting

UPCOMING BOARD MEETING DATES AND LOCATIONS

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. Doherty, the Board unanimously carried, the meeting was adjourned at 11:30 a.m.