

**The NYS Industrial Board of Appeals
Board Meeting Minutes
of January 11, 2023**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on January 11, 2023, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:07 a.m.

ATTENDANCE

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

Benjamin A. Shaw, Counsel
Jacob Korder, Administrative Law Judge
Jane M. Ipanaque, Executive Assistant
Christina Drew, Administrative Assistant

MINUTES

On motion by Mr. Arcuri, there being no objection, the Board unanimously carried, the minutes of the previous meeting held on November 9, 2022, were adopted.

REPORTS

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

Monthly Report - Nov 1, 2022 – Dec 31, 2022

CASES	PR	PES	CI	WB	SA	FL	ART
Current Cases	206	20	0	0	0	0	30
New Cases	22	1	2	0	0	0	0
Admin Closed	15	0	0	0	0	0	0
Draft Decisions	0	0	0	0	0	0	0
CONFERENCES							
Scheduled	3	0	0	0			
Held	31	0	0	0			
Adjourned	7	0	0	0			
Cancelled	2	0	0	0			
HEARINGS							
Scheduled	3	0	0	0			
Held	8	0	0	0			
Adjourned	7	0	0	0			
Cancelled	12	0	0	0			

Yearly Report 2022

CASES	PR	PES	CI	WB	SA	FL	ART
Current Cases	0	0	0	0	0	0	0
New Cases	134	12	8	0	0	0	11
Admin Closed	63	8	0	0	0	0	0
Draft Decisions	0	0	0	0	0	0	0

CONFERENCES				
Scheduled	6	0	0	0
Held	187	0	0	0
Adjourned	56	0	0	0
Cancelled	9	0	0	0
HEARINGS				
Scheduled	6	2	0	0
Held	77	3	0	0
Adjourned	71	1	0	0
Cancelled	36	1	0	0

Prior to quasi-judicial deliberation, Mr. Shaw advised members of the public in attendance of the virtual meeting that the Board will go off the record to move into quasi-judicial deliberations to discuss the cases on the Board’s agenda, during which time the meeting will be temporarily closed to the public.

In quasi-judicial deliberation

On motion by Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:13 a.m. Observers who were not a Board Member or part of the Board staff were temporarily moved into a virtual waiting room until the Board moves out of quasi-judicial deliberations.

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name

- PR 20-046 Eduard P. Frauneder and 506 Laguardia Place Restaurant LLC T/A Bar Freud
- PR 21-001 Matthew James Leverenz and Darlene Sue Leverenz and Tick-Tock Towing & Recovery, Inc. D/B/A Tick-Tock Towing/Recovery
- PR 21-055 A&A Building Renovations Inc. and Astrit Canaj
- PR 21-070 Cindy A. Sola A/K/A Cindy Holahan and Rombouts Ave, LLC
- PR 21-152 Joseph Montbello and Jjpcsny LLC
- PR 22-049 Lash Princess 56, Inc.
- PR 22-079 Maria Restaurant Food Corp. and Franklin Y. Rodriguez
- PR 22-100 Neelima Mallela and Srinidhi LLC,
- PR 22-106 Bar Testing LLC

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

Section 27-A:

Docket No. Name

- PES 20-005 John Hardy
- PES 20-006 Deborah Sue Capell
- PES 22-006 County of Nassau

Ms. Kakalec recused herself from discussing and voting on the decision for Docket No. PES 20-006, and so she left the meeting at 10:41 a.m. On motion by Ms. Abeles, duly seconded by Ms. Farley, and the remaining Board Members unanimously carried, the Resolution of Decision for Docket No. PES 20-006 was adopted. Ms. Kakalec returned to the meeting at 10:52 a.m. On motion by Mr. Arcuri, duly seconded by Ms. Farley, and the Board unanimously carried, the Resolutions of Decision for Docket No. PES 20-005 and PES 22-006 under Section 27A were adopted.

Out of quasi-judicial deliberation

On motion by Ms. Abeles, duly seconded by Ms. Farley, and the Board unanimously carried, the meeting moved out of quasi-judicial deliberation at 10:56 a.m. Mr. Shaw allowed members of the public that remained in the virtual waiting room to rejoin the meeting.

RESOLUTION OF DELEGATION

On motion by Ms. Abeles, duly seconded by Ms. Kakalec, and the Board unanimously carried, the Resolution to delegate authority to Jacob Korder to act as hearing officer, was adopted.

DISCUSSION

The Board discussed the following topics:

- A. Welcoming Jacob Korder to the IBA
- B. Resolution to delegate authority to Jacob Korder
- C. Farm worker rulemaking and home health aide rulemaking

UPCOMING BOARD MEETING DATES AND LOCATIONS

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. Abeles, duly seconded by Ms. Kakalec, and the Board unanimously carried, the meeting was adjourned at 11:04 a.m.