

**NYS Industrial Board of Appeals
Board Meeting Minutes
of August 9, 2023**

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on August 9, 2023, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:06 a.m.

ATTENDANCE

Molly Doherty, Chairperson	Benjamin A. Shaw, Counsel
Michael A. Arcuri, Member	Jacob Korder, Administrative Law Judge
Patricia Kakalec, Member	Jane M. Ipanaque, Executive Assistant
Najah Farley, Member	Christina Drew, Administrative Assistant
Sandra Abeles, Member	

MINUTES

On motion by Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on May 17, 2023, were adopted.

REPORTS

An overview reflecting activity for March and April 2023, was provided.

Total Open Cases: 262 PR/214 PES/21 CI/1 ART-78/26

<u>New Cases</u>	<u>May</u>		<u>June</u>		<u>July</u>		<u>YTD</u>	
	2023	2022	2023	2022	2023	2022	2023	2022
PR	17	10	11	19	11	12	94	75
PES	3	1	0	1	1	1	11	4
CI	0	0	1	1	0	1	3	5
WB	0	0	0	0	0	0	0	0
ART-78	2	0	0	0	3	0	7	0
Total	22	11	12	21	15	14	115	84

<u>Closed</u>	<u>May</u>	<u>June</u>	<u>July</u>
PR	25	10	6
PES	0	3	0
CI	1	0	0
ART	2	1	0
Total	28	14	6

<u>Hearings</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Total</u>
Held	6	8	7	21
Closed	30	13	5	48
Settled	14	12	5	31

Filed by	<u>Mail</u>	<u>Email</u>	<u>Web</u>
	14	24	5

In quasi-judicial deliberation

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

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name

- PR 20-070 Mojave & Family Inc. T/A Big 99 Cents & Up and Mohammad "Mujebur" Rahman
- PR 20-083 Jermaine Burrowes, Paul Burrowes, Mango Seed Restaurant, Inc., and Zurilee Restaurant, Inc.
- PR 21-076 Jin Xia and Slim Herbal Beauty Corp.
- PR 21-083 Jacqueline Rogers T/A Jackie Rogers International
- PR 21-109 Philip L. Silveira
- PR 21-135r Ralph Principe Jr. and Stanco Electrical Contractors Inc.
- PR 21-137r James Smith
- PR 22-036 Abner Rios and The Patio Restaurant
- PR 22-077 Yeheda Neiman
- PR 23-007 Yiran Li
- PR 23-025 Hugo Rubi T/A Rubi Paint Service
- PR 23-040 Paul Du Plessis
- PR 23-041 Jennifer Ficuciello, Errico Ficuciello, Frank Confalone, and A.M.F. Enterprises Inc. T/A F.M.C. Market Inc.
- PR 23-051 Fermin Gonzalez M.D.

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

Section 27-A:

Docket No. Name

- PES 18-008 Police Benevolent Association of The City of New York, Inc.
- PES 23-004 Yevgeniya Zilber

On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and the Board unanimously carried, the Resolution of Decision for Docket No. PES 18-008 under Section 27A was adopted. Ms. Abeles recused herself from discussing and voting on the decision for Docket No. PES 23-004, and so she left the meeting at 11:23 a.m. On motion by Mr. Arcuri, duly seconded by Ms. Farley, and the remaining Board Members unanimously carried, the Resolution of Decision for Docket No. PES 23-004 was adopted. Ms. Abeles rejoined the meeting at 11:28 a.m.

Section 104:

Docket No. Name

- CI 23-003 Council of Black Leaders in Finance, Inc.

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

Out of quasi-judicial deliberation

On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and the Board unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:43 a.m.

DISCUSSION

The Board discussed the following topics:

- A. Aggregate hauling rulemaking update
- B. New Board meeting dates

UPCOMING BOARD MEETING DATES AND LOCATIONS

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

Wednesday, March 13, 2024, Board Meeting at 10:00 a.m.

Wednesday, April 17, 2024, Board Meeting at 10:00 a.m.

Wednesday, June 5, 2024, Board Meeting at 10:00 a.m.

Wednesday, July 24, 2024, Board Meeting at 10:00 a.m.

Wednesday, September 18, 2024, Board Meeting at 10:00 a.m.

Wednesday, October 30, 2024, Board Meeting at 10:00 a.m.

Wednesday, December 11, 2024, Board Meeting at 10:00 a.m.

ADJOURNMENT

There being no further business, upon motion by Mr. Arcuri, duly seconded by Ms. Kakalec, and the Board unanimously carried, the meeting was adjourned at 11:49 a.m.