

CORRECTED

NEW YORK CITY
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
ENVIRONMENTAL CONTROL BOARD

BOARD MEETING

VIA VIDEO CONFERENCE

100 Church Street, New York, New York

February 2, 2023

9:31 a.m. to 11:58 a.m.

February 2, 2023

MEMBERS PRESENT:

Asim Rehman, Esq. - Commissioner/Chief Administrative Law Judge, OATH, Chair/Executive Director, OATH ECB
Shamonda Graham - Department of Buildings (DOB)
Joseph Gregory, Esq. - New York City Fire Department (FDNY)
Elizabeth Knauer, Esq. - Appointed Member (Water)
Madelynn Liguori, Esq. - Department of Sanitation (DSNY)
Jorge Martinez, Esq. - Department of Health and Mental Hygiene (DOHMH)
Russell Pecunies, Esq. - Department of Environmental Protection (DEP)
Matthew Schneid, Esq. - Appointed Member (Real Estate)
Matthew Smith, Esq. - New York City Police Department (NYPD)
Douglas S. Swann - Appointed Member (Air)
Jarrod Whittington - Appointed Member (Noise)

ALSO PRESENT:

Ingrid Addison, Esq. - Hearing Officer, OATH
Rachel Amar - Senior Advisor to Commissioner, OATH
Sola Best, Esq. - Assistant General Counsel, OATH
Laura Carraher, Esq. - Staff Attorney, Appeals, OATH
John Castelli, Esq. - Deputy Commissioner for Legislative Affairs, OATH
Kelly Corso, Esq. - Assistant Commissioner/Hearings Division Adjudications, OATH
Ken Falk, Esq. - Hearing Officer, OATH
David Feldman, Esq. - Deputy Commissioner of Legal Affairs/General Counsel, Business Integrity Commission (BIC)
Daniel Guenzburger, Esq. - Hearing Officer, OATH
Timothy Jones, Esq. - Senior Counsel, OATH
Vivienne Kahng, Esq. - Supervising Attorney for Appeals, OATH
David C. Kim, Esq. - Assistant General Counsel, OATH
Kevin Lawner, Esq. - Staff Attorney, Appeals, OATH
Peter Schulman, Esq. - Deputy Commissioner/Appeals Division, OATH
Marisa Senigo - Deputy Commissioner for Public Affairs & Communications, OATH
Frances Shine - Secretary to the Board, OATH

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**Amy Slifka, Esq. - Deputy Commissioner/Hearings Division,
OATH**

Tom Southwick, Esq. - Assistant Commissioner/Appeals
Division, OATH

Olga Statz, Esq. - Deputy Commissioner/General Counsel,
OATH

Hasan Tariq, Esq. - Agency Attorney Intern, Appeals, OATH

Richard Weil, Esq. - Hearing Officer, OATH

Emma Wright, Esq. - Agency Attorney Intern, Appeals, OATH

Ithamar Zacharie, Esq. - Agency Attorney Intern, Appeals,
OATH

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2 (The board meeting commenced at 9:31
3 a.m.)

4 PETER SCHULMAN, ESQ., DEPUTY
5 COMMISSIONER/APPEALS DIVISION, OATH: Sorry, the
6 recording hadn't started yet. Please restate
7 that.

8 ASIM REHMAN, ESQ., COMMISSIONER/CHIEF
9 ADMINISTRATIVE LAW JUDGE, OATH, CHAIR/EXECUTIVE
10 DIRECTOR, OATH ECB: Yes. Okay. So we are now
11 in session for the February 2, 2023, ECB Meeting.
12 I called the meeting to order prior to the
13 recording starting. We conducted a roll call to
14 verify quorum. We have 11 of 12 members present,
15 which gives us the necessary quorum.

16 We moved to adopt the minutes. That,
17 that motion passed, the minutes of December 8,
18 2022, meeting.

19 Then, Deputy Commissioner Amy Slifka
20 presented a pre-sealing report. There was a
21 motion, a request for a motion to approve and
22 second. I saw a motion from Matt Smith and a
23 second from Madelynn Liguori. And I am asking
24 the GC Unit to call for a vote.

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2 DAVID C. KIM, ESQ., ASSISTANT GENERAL
3 COUNSEL, OATH: Are there any objections to
4 approving the pre-sealing reports? Seeing none,
5 hearing none, the motion is approved unanimously.

6 MR. REHMAN: Thank you. I'd like to ask
7 for a motion to go into Executive Session to
8 discuss new decisions listed in the Judicial
9 Report. I see a motion from Joseph Gregory and a
10 second from Matthew Smith.

11 [OFF THE RECORD]

12 [ON THE RECORD]

13 MR. REHMAN: Okay, we are back from our
14 Executive Session and we're in the General
15 Session for today's, February 2nd meeting. In
16 Executive Session, we were discussing a
17 particular matter. We did not complete that
18 discussion. We are going to continue at a
19 special meeting that will take place on Tuesday,
20 the 7th of February, 10:30 to 11:30. And, and
21 we'll continue our discussion on that case at
22 that time.

23 Now, asking if, on any other matters,
24 any members of the Board have any additional

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2 questions or points to raise. Hearing none,
3 separate from the special meeting that I just
4 announced, we are going to select a date for our
5 next bi-monthly Board meeting. Can the GC team
6 please identify the dates that we are looking at?

7 MR. KIM: Okay. We have two possible
8 dates of the next Board meeting, which are April
9 6, 2023, or April 13, 2023.

10 MR. REHMAN: Okay. Any objections to
11 either dates?

12 MATTHEW SCHNEID, ESQ., NEW YORK CITY
13 POLICE DEPARTMENT (NYPD): Hold on. Hold, hold -
14 - give me one second.

15 MR. REHMAN: Yes, of course.

16 ELIZABETH KNAUER, ESQ., APPOINTED MEMBER
17 (WATER): Does anybody know when spring break is
18 for school?

19 MR. SCHNEID: Because I think there's a
20 Jewish holiday on that, on one of those days.
21 Passover. I'm just trying to see when the date
22 is.

23 MR. REHMAN: I don't know, Elizabeth.
24 That's a good question.

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2 SHAMONDA GRAHAM, DEPARTMENT OF BUILDINGS

3 (DOB): It's around that time, for sure.

4 [CROSSTALK] [00:03:16]

5 KEVIN LAWNER, ESQ., STAFF ATTORNEY,

6 APPEALS, OATH: Yeah. Okay. Pass- Passover is

7 from the 5th to the 13th.

8 MR. SCHNEID: What were the dates again,

9 David?

10 MR. KIM: It's 13, April 13, 2023.

11 AMY SLIFKA, ESQ., DEPUTY COMMISSIONER/

12 HEARINGS DIVISION, OATH: Yeah, Passover is the

13 5th.

14 MR. SCHNEID: Is it possible to do it

15 next week, by chance? Because it looks like both

16 those days are --

17 MR. REHMAN: Both those days may be

18 inclusive of Passover. So one moment. Let me

19 also just pull up this week.

20 MS. KNAUER: And my kids are off school

21 from the 7th to the 14th. And I think --

22 [CROSSTALK] [00:03:43]

23 MR. SCHNEID: Same.

24 MS. SLIFKA: Yeah, that's the, the

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2 holidays.

3 MR. REHMAN: Yeah, thank you, Olga.
4 The, the 20th or the 27th as options? Schools
5 will be closed on the 21st, the New York City
6 public schools, but not the 20th. The 20th is a,
7 is a school day.

8 MR. KIM: As far as I know, the Board
9 meeting should be held on the first and second
10 Thursday of the bi- bimonthly. So it should be
11 like April 6th or April 13th.

12 MR. REHMAN: Yeah, under- understood.
13 Thank you, David. In, in this particular
14 situation, due to, due to religious holidays and,
15 and school breaks, we, we should pick different
16 dates.

17 Alright. So I'm going to propose the
18 20th of April as a meeting. Does anyone have any
19 objections to that? Okay. Hearing no
20 objections, let's schedule April 20th as our next
21 meeting. Same Bat time, same Bat channel.

22 With that, I will seek a motion to
23 adjourn today's meeting. I see a motion from
24 Elizabeth. I see lots of hands seconding. Let's

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take Matt Smith's second. And, with that, we will adjourn today's meeting. Thank you all very much, and have a good afternoon.

MS. GRAHAM: Have a great date, guys.

Bye.

MS. KNAUER: Bye.

MR. SCHNEID: Bye, everyone.

(The board meeting concluded at 11:58 a.m.)

Environmental Control Board, 2/2/2023

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of Board Meeting of the Environmental Control Board on February 2, 2023, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: March 2, 2023

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018

**Reviewed and corrected by OATH General Counsel
office. March 7, 2023**