

New York City Office of Administrative Trials and Hearings

Environmental Control Board Meeting

Office of Administrative Trials and Hearings Multi- Purpose Training Room

100 Church Street, 12th Floor, New York, New York

April 9, 2026

9:40 a.m. to 11:15 a.m.

Members Present:

- Vilda Vera Mayuga, Esq. – Chairperson; Commissioner & Chief Administrative Law Judge (OATH)
- Shamonda Graham – Department of Buildings (DOB)
- Joseph Gregory, Esq. – New York City Fire Department (FDNY)
- Scott Higgins, Esq. – New York City Police Department (NYPD)
- Elizabeth Knauer, Esq. – Appointed Member (Water)
- Madelynn Liguori, Esq. - Department of Sanitation (DSNY)
- Elisabeth Mayer, Esq. – Department of Health & Mental Hygiene (DOHMH)
- Russell Pecunies, Esq. - Department of Environmental Protection (DEP)
- Matthew Schneid, Esq. – Appointed Member (Real Estate)
- Douglas Swann – Appointed Member (Air)
- Lisa Urban, Esq. – Appointed Member (General)
- Jarrod Whittington – Appointed Member (Noise)

Also Present:

- Griselle Baret – First Deputy Commissioner of Strategic Operations (OATH)
- Sola Best Charles, Esq. – Assistant General Counsel (OATH) [remote]
- Cindy Chen – OMB [remote]
- Kelly Corso, Esq. – Deputy Commissioner, Hearings Division (OATH) [remote]
- Ken Falk, Esq. – Hearing Officer (OATH) [remote]
- Ann Gayle, Esq. – Hearing Officer (OATH) [remote]

- Amber Gonzalez, Esq. – Hearing Officer, Appeals Division (OATH) [remote]
- Diana Haines, Esq. – Deputy General Counsel (OATH) [remote]
- Madeline Halimi, Esq. – Parliamentarian; Assistant General Counsel (OATH)
- Ebonette Hudson – Hearing Officer (OATH) [remote]
- Arlene Jobe – Deputy Administrative Supervisor, Appeals Division (OATH)
- Georgie Lellman, Esq. – Assistant Counsel (DEP)
- Seth Lieberman, Esq. – Hearing Officer (OATH) [remote]
- Maria Marchiano, Esq. – Deputy Commissioner & Chief Clerk (OATH) [remote]
- Karin McAvoy – Administrative Coordinator (OATH) [remote]
- Laura Mello [remote]
- James Moore, Esq. – Assistant Commissioner, Hearings Division (OATH) [remote]
- Cindy Nesbit, Esq. – Assistant General Counsel (OATH) [remote]
- Frank Ng, Esq. – General Counsel (OATH)
- Laura Quaigraine-Kamaru, Esq. – Assistant General Counsel (OATH)
- Peter Schulman, Esq. – Deputy Commissioner, Appeals Division (OATH)
- Thomas Southwick, Esq. – Assistant Commissioner, Appeals Division (OATH)
- Ithamar Zacharie, Esq. – Agency Attorney (OATH) [remote]

Transcript

Commissioner Mayuga: Okay. Calling the meeting to order, 9:41 a.m., Thursday, April 9th. Good morning, everyone. My first ECB meeting. Very excited to be here and see all the members in person. We will start with roll call to verify.

Assistant General Counsel Halimi: Yes.

Commissioner Mayuga: That's important.

Assistant General Counsel Halimi: Commissioner Mayuga?

Commissioner Mayuga: Present.

Assistant General Counsel Halimi: Shamonda Graham?

Ms. Graham: Present.

Assistant General Counsel Halimi: Joseph Gregory?

Mr. Gregory: Present.

Assistant General Counsel Halimi: Elizabeth Knauer?

Ms. Knauer: Present.

Assistant General Counsel Halimi: Madelyn Liguori?

Ms. Liguori: Present.

Assistant General Counsel Halimi: Elizabeth Mayer?

Ms. Mayer: Present.

Assistant General Counsel Halimi: Russell Pecunies?

Mr. Pecunies: Present.

Assistant General Counsel Halimi: Matthew Schneid?

Mr. Schneid: Present.

Assistant General Counsel Halimi: Scott Higgins?

Mr. Higgins: Present.

Assistant General Counsel Halimi: Douglas Swann?

Mr. Swann: Present.

Assistant General Counsel Halimi: Lisa Urban?

Ms. Urban: Present.

Assistant General Counsel Halimi: Jarrod Whittington?

Mr. Whittington: Present.

Assistant General Counsel Halimi: We have a quorum, 12 out of 12.

Commissioner Mayuga: Amazing. Thank you. Perfect attendance. It's making me look good already on my first one. I like this. (Laughs) To think I had something to do with it. Now, let's just move on to the minutes from the December 4, 2025 Board Meeting. Are there any corrections that anybody feels are necessary? See a lot of shaking of the heads. Take that as a "no." Okay. Can I have a motion to adopt the minutes? Lisa. Okay. Second? Thank you, Madelynn. All in favor? I -- sorry, I'm abstaining just because I wasn't here in December, so I wouldn't want to...

Ms. Knauer: I'm also abstaining because I wasn't here. Elizabeth Knauer.

Assistant General Counsel Halimi: So any objections to the motion adopting?

Ms. Graham: Oh, I have to abstain. I also was absent.

Assistant General Counsel Halimi: Okay. Are there any objections to the motion adopting the minutes of the December 4, 2025 ECB Meeting? Seeing none, hearing none, the motion is approved with three abstentions.

Commissioner Mayuga: Good?

Assistant General Counsel Halimi: Good.

Commissioner Mayuga: All right. Think I'm following directions and proper protocol. Okay. And now if I could have a motion to go into executive session?

Ms. Liguori: Motion.

Commissioner Mayuga: Madelynn, thank you. And a second? Joseph, second?

Mr. Gregory: Yes.

Commissioner Mayuga: Thank you.

Assistant General Counsel Halimi: Are there any objections to the motion to go into executive session? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: I have an observer with me who will have to wait outside while we're

Commissioner Mayuga: Perfect. Thank you so much.

Ms. McAvoy: Okay. Please hold while I put the recording on pause.

[Off the record]

[On the record]

Commissioner Mayuga: We're good? Okay, great. Thank you, everybody. If I could please ask for a motion to take roll call vote on the full board appeal, *DEP v. Tie Breaker Productions, LLC*, Appeal No. 2501254? Motion by Lisa. And second? Madelynn.

Assistant General Counsel Halimi: Okay. Any objections to the motion to call for a roll call vote? Seeing none, hearing none, the motion is approved unanimously. And now roll call. Okay. So Commissioner Mayuga?

Commissioner Mayuga: Affirm.

Assistant General Counsel Halimi: Shamonda Graham?

Ms. Graham: Affirm.

Assistant General Counsel Halimi: Joseph Gregory?

Mr. Gregory: Affirm.

Assistant General Counsel Halimi: Elizabeth Knauer?

Ms. Knauer: Affirm.

Assistant General Counsel Halimi: Madelynn Liguori?

Ms. Liguori: Affirm.

Assistant General Counsel Halimi: Elizabeth Mayer?

Ms. Mayer: Affirm.

Assistant General Counsel Halimi: Russell — oh, sorry. Russell Pecunies is abstaining.

Mr. Pecunies: Abstain.

Assistant General Counsel Halimi: Matthew Schneid?

Mr. Schneid: Deny.

Assistant General Counsel Halimi: Scott Higgins?

Mr. Higgins: Abstain.

Assistant General Counsel Halimi: Okay. Douglas Swann?

Mr. Swann: Deny.

Assistant General Counsel Halimi: Lisa Urban?

Ms. Urban: Affirm.

Assistant General Counsel Halimi: Jarrod Whittington?

Mr. Whittington: Affirm.

Assistant General Counsel Halimi: So we have eight affirmed. They didn't count right off the -- okay, eight affirming, two dismissing or reversing, rather. And then two abstained.

Commissioner Mayuga: Two and two? Because that is --

Assistant General Counsel Halimi: We have -- wait. Two --

Mr. Pecunies: It's 12. Eight, two, and two. That's right. Twelve.

Assistant General Counsel Halimi: Yeah.

Mr. Gregory: Because I think it includes yours, Commissioner.

Commissioner Mayuga: Oh.

Assistant General Counsel Halimi: Yeah.

Commissioner Mayuga: Thank you. Not very good at math. Are we good with that part then?

Assistant General Counsel Halimi: Yes. So the board has voted to affirm.

Commissioner Mayuga: Okay. Thank you to all the board members. We are now going to move to have Russell from DEP to do a presentation on backflow prevention devices.

Mr. Pecunies: Okay. Thank you. Good morning, everyone. I'll try and not be too long-winded about this since we just had a long debate by way of explaining why we're having this presentation, in case you're wondering.

If you were on the board before 2020, you know that at every board meeting for years and years and years, DEP made requests to the board for cease and desist orders related to backflow prevention devices. Backflow prevention -- a backflow prevention device is a -- basically, it is a one-way valve that is installed on the water service to a building. It allows water to go into the building and does not allow water to go back out of the building.

Why might water go back out of the building? If there is a drop in water pressure in the water main in the street for any reason, the most obvious one of which would be a break in the water main, which would cause a pressure drop, it could cause water that had entered a building to come back out of the building and enter the water supply.

There are a number of things that can happen to water once it goes into a building, which would cause us to not want to have that water go back into the water supply, there hence the requirement for backflow prevention devices.

This is a requirement of New York State law. It is in the New York State Sanitary Code. And whoever supplies water to a given city or jurisdiction is responsible for enforcing the backflow prevention requirements in that jurisdiction, which means that in New York City it's DEP. The section that we enforce is a section of our rules, which is 20-04(d). And 20-04 is promulgated pursuant to the water code in the administrative code.

And Section 20-04(d) provides that when DEP determines that a given building needs to have a backflow prevention device, DEP will serve a commissioner's order on the owner of that building requiring them to install.

If they comply with that order, fine, all well and good, they are then required to have the devices tested on an annual basis going forward. If they do not comply with that order, they are then given a summons by DEP for failure to comply with the commissioner's order to install the device.

Installing the device involves hiring an engineer or an architect to prepare plans which have to be submitted to DEP for approval, and then hiring a licensed master plumber to install the devices in accordance with the approved plans.

So if you look at the second -- this slide, the second slide, "What is it?" Again, it's a device installed on the water service line right after the meter. It lets water in the building, but prevents it from leaving the building. And it's required under the state sanitary code. And it does actually happen.

There is -- there are a couple of examples cited in the PowerPoint in Texas and in Chicago. There is, actually, a website or something called the American Backflow Prevention Association where all backflow incidents are reported by this group. And we actually do, occasionally, encounter a building where the meter is running backwards, meaning that instead of the meter going up because water is going into the building, the reading on the meter is going down because water is leaving the building. It's rare, but it does actually happen.

So just in terms of who has to do this. So in terms of what the building is used for, as you can see, anything industrial, anything medical, labs, laundromats -- you wouldn't want water once it goes into a laundromat to be back in the water main.

Dry cleaners, not really so much anymore, because most dry cleaners are just places where you drop off clothes and they don't really do the dry cleaning there anymore.

Anything with food prep. So any restaurant, commissary, anything that prepares food. Bars, because they have ice machines and soda guns, and you don't want either ice water or carbonated water going back into the water main. Hair salons, car washes, and funeral homes, only if they do embalming on site.

And then the other criteria can be what the building is equipped with. And so buildings that have a fire service, because a fire service is a separate line and water sits up in that fire service for years if there's no fire. If the sprinklers never go off, there's water in those pipes for years. So we don't want that water going back into the water mains.

Large boilers, multiple services, these are kind of plumbing sorts of aspects of things. If there's a roof tank on top of the building and if there's a swimming pool, makes sense that we don't want pool water back in the water main.

So as I said, before Covid, at every board meeting, we would have about 20 of these things that the board would approve. And so when the board met every month, the board was approving up to about 250 to 300 of these orders a year. In March -- March 2020, I guess -- I think it was actually February 2020 was the last board meeting that orders were approved at. I don't think there were meetings after that for a while.

And so what we did when Covid happened, basically, for a while, we weren't doing any enforcement of this because this involves plumbers and engineers going into buildings. And for months and months and months, nobody was going anywhere. And our inspectors also weren't doing the

inspections to determine if the buildings required the devices. So all of this basically came to a screeching halt because of Covid.

And to go back to those years before we stopped asking for orders. Of those orders, there are about 900 of them that are still open where the respondent building owner is in default as to the order, they never showed up for their hearing dates back in the teens or whenever their hearings were. And so those orders are still open orders that the board issued. And so we have now reviewed all of those, and we have found that about 220 of them now have different building owners than the order was issued to.

So for those 220, we now have to start over and give the new building owner a new order to come into compliance. For the remaining 680-ish, we're still reviewing all of those. We haven't quite finished doing that yet, but we have found that some of those have come into compliance. And so even though the order is still open, they have complied with it.

What we are going to do with the rest of them is that we're going to send an inspector to all of those buildings with a copy of the order that the board issued way back when. And we're going to say, you have not complied with this order. This order says that if you don't comply with it, the water service to the building can be shut down, and we need you to comply with it.

What may happen as a result of this is that a number of these people may start contacting OATH to put hearings back on the hearing calendar, because these will all be people who defaulted on hearings from years ago when the order was issued. So some of these people may start contacting OATH to reschedule hearings.

Now, if you just back up to the "Procedure Since..." -- okay, so what we've been doing since Covid is instead of asking the board for orders, we've been issuing summons after summons after summons after summons. And that works for some people. For some people, the summonses get them to comply. But the maximum penalty on a summons is \$700.

And to comply with this, under the most optimistic, cheapest circumstances, costs over \$5,000. In many cases, if multiple devices are required, it can cost tens of thousands of dollars to comply with this. So \$700 fines for many building owners are a small price to pay to avoid having to spend a lot more money to comply with it.

So at this point, what we are proposing to do is in certain limited cases, to resume asking the board for cease and desist orders. Now, since I understand that we end up -- adding more cease and desist orders is an administrative burden for OATH, we will limit the ones that we ask for to what we call "high hazard locations."

This will not be -- we will not be asking for them if it's cold water or if it's fizzy water; those, we'll just keep giving summonses to over and over again. But if it's dangerous that they don't have a backflow device, or in rare cases where there may be a meter running backwards indicating that there is actual

backflow from the building, for those, we may be bringing requests to the board or back for cease and desist orders, starting with the June meeting.

And -- yeah, so I guess that covers everything in the PowerPoint. And does anybody have any questions?

Ms. Knauer: Yeah. Just a quick question about the, like, meter running backwards situation. If there is, like, some ancient water tower that's, like, also not complying with those requirements, like Legionella-related requirements, can you -- does DEP have the ability to, like, cut off water service on an emergency basis because there's like a -- like a real imminent hazard or would you have to go through this cease and desist process?

Mr. Pecunies: Yeah, so the thing is that turning off water basically shuts the building down. So turning off water is complicated, and it depends what the building is being used for. We do have the ability under the water code to do that, but it's not something -- except in an extraordinary circumstance.

Like we -- there is one building that has had some recent backwards meter readings and they actually have a hearing on their summons scheduled for tomorrow. So we're hoping that they show up and tell us that they're coming into compliance. But if they don't, they may be in the first group for the June meeting.

Commissioner Mayuga: I have a question on the use of the building -- the equipment.

Mr. Pecunies: Mm-hmm.

Commissioner Mayuga: Who doesn't get to have to do this? It's based on all of the -- between -- between what you use the building for --

Mr. Pecunies: Right.

Commissioner Mayuga: -- and what equipment may be in your building, even if you don't use it for any of this purposes?

Mr. Pecunies: Right.

Commissioner Mayuga: Is it --

Mr. Pecunies: So -- yeah, so --

Commissioner Mayuga: Just -- so, like, what's the applicability on the number of buildings in New York City?

Mr. Pecunies: Yeah, so there are, I mean, for example, large boilers with over 350,000 BTU would take in pretty much every apartment building in the city.

Commissioner Mayuga: Right. Right. That's what I was -- like -- I was like, it sounds like almost every building.

Mr. Pecunies: Yeah. And these things, by the way, are not made up by us, these criteria. The state department of health has a very thick book that sets forth all of these guidelines that the water supplier is required to use in determining who does have to put these in. So this is not coming from DEP, this is coming from the state.

Commissioner Mayuga: Any other questions?

Mr. Pecunies: So this was for informational purposes.

Commissioner Mayuga: Prepare ourselves.

Ms. Graham: So it sounds like this beautiful presentation is because we are going to have lots of work to do. So what I would propose, what I'm thinking, is that when we get the materials, perhaps we can have a way to sort it. Obviously, we'll have to vote on them, but if you can come up with a way where we can do, like, bundle voting, maybe we can help clear out what you have.

Mr. Pecunies: Well, I think that -- if I remember correctly back to 2020 earlier, that the backflow requests used to be voted on as a group --

Ms. Knauer: All one --

Ms. Graham: Yes.

Mr. Pecunies: -- and not individuals --

Ms. Knauer: Yes.

Mr. Pecunies: -- because they were all the same.

Ms. Knauer: They were all exactly, like, the same. I -- you know, I -- my practice was just to make - look through them, make sure that I didn't have, like, a client in there to --

Ms. Graham: Um --

Ms. Knauer: So I didn't need to recuse myself from -- but they were all the same, like...

Ms. Graham: Yeah, I think there was one issue. We were concerned -- we started getting concerned when it was residential. That's usually what I look for. Are there going to be just regular people out of water? And now they really --

Mr. Pecunies: Yeah, we -- it's probably -- we probably will not be bringing residential ones to you because residential ones are generally non-hazardous.

Ms. Graham: Okay.

Mr. Pecunies: It's usually what -- it's what the state calls -- what do they call it? Like aesthetic -- aesthetically objectionable. There's hazardous and there's aesthetically objectionable. We will not be bringing you aesthetically objectionable.

Ms. Graham: Well, then bring it on.

Mr. Pecunies: Only hazardous.

Ms. Graham: Listen, [inaudible – 00:23:20].

Commissioner Mayuga: And just -- I just want to put on the record that I thank you for thinking of OATH in any administrative burden, but I don't -- you know, OATH is not going to take a position on whatever enforcement DEP also wants to do and bring to the board to issue orders. So I just want to make it clear --

Mr. Pecunies: Yeah.

Commissioner Mayuga: -- that you do what you got to do and then OATH will just have to figure out how to do it its way. Okay.

Mr. Pecunies: Yeah. But we'll try and focus on the ones that are really --

Commissioner Mayuga: Because you want to (laughs).

Mr. Pecunies: -- not high priority.

Commissioner Mayuga: Yes?

Mr. Pecunies: Yeah, absolutely.

Commissioner Mayuga: All right. Any other questions or comments about presentation? Okay. Clear those calendars. We'll do some reading for the next one, for June. Okay. All right, let's move on then to -- you're still on --

Mr. Pecunies: I'm still on.

Commissioner Mayuga: -- Russell, for the -- for this -- the request for the cease and desist orders.

Mr. Pecunies: Okay. So do we want to do these -- I'm assuming that there is some differences among them. So I'm assuming we'll want to do these one at a time. So I have them in no particular order. I don't know if you care what order we do them in.

Commissioner Mayuga: I don't have a preference.

Mr. Pecunies: Okay.

Commissioner Mayuga: Just go down and -- I mean I can look at them and --

Mr. Pecunies: Okay. So --

Commissioner Mayuga: -- as you look at them, we can just, like --

Mr. Pecunies: Yeah, so just in the order that I have them.

Commissioner Mayuga: Mm-hmm.

Mr. Pecunies: So the first one is for 35-64 84th Street, in Queens. And this one is for error code violation. If you look at the photos of the building at the end of the packet, this is an apartment building with a Taco Bell on the corner.

And they have been cited repeatedly for having an expired certificate of operation for the boiler in the building. They have two large boilers in the building. And the certificate of operation has been expired since 2022. And they've been given a series of violations beginning in 2022.

We just issued the fourth one in December. They did have a hearing date, I guess, that's last week. And I don't know what happened on that hearing date.

But because of the repeated summonses and the continuing failure to come into compliance by renewing the certificate, the DEP is requesting that the board issue in order to cease and desist.

Commissioner Mayuga: No questions from me.

Assistant General Counsel Halimi: Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: All right. The next one I have is 1010 44th, LLC, which is 1010 44th Avenue, in Queens. And again, from the photo at the end of the -- of the packet, there's a scaffold down on top of the building. This is another apartment building.

This has a boiler, again, with an expired permit. And we have repeatedly given them summonses for the expired permit. Permit on this one has been expired for a long time, since 2013. And we've given them a series of summonses. And again, they had one that was on for a few days ago that was issued in January.

But based on the repeated summonses, continuing failure to come into compliance, DEP is requesting that the board issue a cease and desist order.

Commissioner Mayuga: Motion to take a vote on this cease and desist? Thank you, Jarrod and Elizabeth.

Assistant General Counsel Halimi: Okay. Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none the motion is approved unanimously.

Mr. Pecunies: All right, moving right along. The next one is 528-534 West 39, LLC at 528 West 39th Street, in Manhattan. So this one is a commercial building. It appears to be used, or -- by, at least part of it, by an automotive body shop.

They have a large boiler that requires a certificate of operation. Permit has been expired on this one since 2001, and they have received a series of summonses, the most recent one in January.

And due to the repeated summonses, continuing failure to comply, DEP is asking for an order to cease and desist.

Commissioner Mayuga: Motion to call for a vote? Thank you, Elizabeth. And a second, Madelynn.

Assistant General Counsel Halimi: Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: The next one that I have, the respondent is the Corporation of the Presiding Bishop. The premises is 250 Dyckman Street, in Manhattan.

You will notice that the mailing address is in Utah. By way of explanation, the corporation of the Presiding Bishop is an actual Utah corporation set up by the Mormon Church to own real property. So this property is owned by the Mormon Church, by the Corporation of the Presiding Bishop.

And as you can see from the photo at the end, however, it is a commercial building that has a bike shop on the street level. There is a Mormon church apparently, I believe, right around the corner, if I remember correctly. So they own the property.

The boiler -- the permit has been expired since 2003, and they've been given three summonses. The most recent one at the end of December.

And because of the repeated summonses and continuing failure to comply, DEP is requesting an order to cease and desist.

Commissioner Mayuga: Can I get a motion? Lisa, second by Elizabeth.

Assistant General Counsel Halimi: Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, motion approved unanimously.

Ms. Knauer: Just a quick question. These ones that haven't renewed their permit for so long, are these, like, number for dual [inaudible – 00:31:06] --

Mr. Pecunies: This is just --

Ms. Knauer: -- [indiscernible – 00:31:09] or --

Mr. Pecunies: These kind of come into the enforcement realm as kind of cleaning up the database kinds of projects. They -- they'll go through the database; they'll see somebody's permit has been expired --

Ms. Knauer: So you don't know why they're expired.

Mr. Pecunies: -- for 20 years, and we start issuing them summonses. And then after we issue a few summonses, if they still haven't renewed the permit, then we come here.

Okay. Next one, East 85th Street Associates, LLC. This is for 221 East 85th Street in Manhattan.

And this one has a permit expiration in 2019. There have been five summonses issued. They have defaulted on all of them, but they did pay the penalty on one of them. So we know that they are aware of this and that we just haven't been, like, mailing things to the wrong address.

And so because of the repeated summonses and continuing failure to renew the permit, requesting an order to cease and desist.

Commissioner Mayuga: Motion to approve the cease and desist? Jarrod and Madelynn.

Assistant General Counsel Halimi: Okay. Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: Okay. Metro -- Motto Capital, LLC at 50 West 182 Street, in the Bronx.

So this one is an apartment building and they have a permit for their boiler that has been expired since 2008. Four summonses have been issued, most recent one at the end of December.

Due to repeated summonses and continuing failure to renew, DEP is asking for an order to cease and desist.

Commissioner Mayuga: Motion to approve cease and desist? Joseph, and seconded by Elizabeth.

Assistant General Counsel Halimi: Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: Okay. So now we have -- the last two are related to the noise code.

First one is for Saint Gabriel's Episcopal Church at 331 Hawthorne Street, in Brooklyn.

And there is an HVAC unit on the church that has been the subject of repeated complaints for excessive noise. We have done three inspections that have resulted in the issuance of summonses. They have defaulted on all three of them. They did reschedule one of the three defaults, and the reschedule date is in May. But in the meantime, because the observation from this, is that they have not addressed the issue.

Because of the repeated summonses and continuing failure to comply with the code, we are requesting that the board issue an order to cease and desist.

Commissioner Mayuga: Can I have a motion to cease and desist? Jarrod and Madelynn. Thank you.

Assistant General Counsel Halimi: Are there any objections to the motion approving cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: All right. And last but not least, we have Flatbush Munchies Corp., at 375 Flatbush Avenue, in Brooklyn.

And if you look at the photo at the end of the packet, you'll see that this is a storefront called Halal Munchies with what looks to be a couple of floors of apartments above it. The subject of this is complaints regarding noise from the kitchen exhaust.

We have issued four summonses. We issued two in January. And before that, we issued one in June of last year, and before that in December of '24. They're in default as to the two oldest ones. And the hearings haven't come up yet on the two new ones.

So because we're still getting complaints and they've gotten four summonses and they're still not in compliance with the noise code, we're requesting the board issue an order to cease and desist.

Commissioner Mayuga: Motion to approve? Elizabeth, and Jarrod seconded.

Assistant General Counsel Halimi: Are there any objections to the motion approving the cease and desist order? Seeing none, hearing none, the motion is approved unanimously.

Mr. Pecunies: All right. So thank you very much and for bearing with me and going through all of these.

Commissioner Mayuga: Take some water.

Mr. Pecunies: Exactly.

Commissioner Mayuga: And I know that Madeline's going to note that. But just for the record, though, because I know that you -- all the votes were unanimous, but Matthew Schneid left right before we entered this part -- [indiscernible – 00:36:57]. Okay. Any questions about anything that we talked about today? Okay. You guys are ready to go. Give me a minute. Making sure that -- did everybody sign the attendance sheet? Yes. Okay. Very nice.

And then possible next -- possible dates for the next meeting, June 4th or June 11th. I'll note June 4th, there's no school for any of you who have kids in public school and -- if that matters. Just wanted to highlight it because I have kids. I'll be here anyway. But I like to -- I like that because sometimes we don't realize a lot --

Ms. Liguori: Thank you.

Ms. Graham: That's right. This is good. This is good leadership.

Commissioner Mayuga: So I don't know. Is there a preference for either day, June 4th or June 11th? No preference. Why don't we go with June 11th just in case June 4th does become an issue for those with kids. So mark your calendars. We'll send that to follow-up. And now, big moment. Asking for a motion to adjourn our meeting. Thank you, Joseph. And Elizabeth, second.

Assistant General Counsel Halimi: Okay. Are there any objections to the motion to adjourn the meeting. Seeing none, hearing none, the motion is approved unanimously.

(The Board Meeting concluded at 11:15 a.m.)

**Reviewed and corrected by the OATH
Office of the General Counsel on
4/21/26.**

Certificate of Accuracy

I, Jaquetta Bazier, certify that the foregoing transcript of the Meeting of the Environmental Control Board on April 9, 2026 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in black ink, appearing to read "J. B.", with a stylized flourish at the end.

Date: April 19, 2026

I, Catherine Wade, conducted a quality control review of the certified foregoing transcript.

Reviewed By

Catherine Wade

Date: April 20, 2026

Accurate Communication Inc.

85 Broad Street,

New York, NY 10004