

New York City Office of Administrative Trials and Hearings

Environmental Control Board Meeting

Office of Administrative Trials and Hearings OATH Multi- Purpose Training Room

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

December 4, 2025

Members Present:

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

Also Present:

- Rachel Amar – Senior Advisor to the Commissioner (OATH)
- Kelly Corso, Esq. – Deputy Commissioner, Hearings Division (OATH)
- Leon Dawson, Esq. – Assistant General Counsel (OATH)
- 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)
- Arlene Jobe – Administrative Staff Deputy Supervisor, Appeals Division (OATH)
- Frank Ng, Esq. – General Counsel (OATH)
- Peter Schulman, Esq. – Deputy Commissioner, Appeals Division (OATH)
- Thomas Southwick, Esq. – Assistant Commissioner, Appeals Division (OATH)

Transcript

Commissioner Asim Rehman: Okay. God morning, everyone, and welcome to the December 4th, 2025 meeting of the Environmental Control Board. I'd like to call the meeting to order. We'll start with roll call.

Assistant General Counsel Madeline Halimi: Good morning. Commissioner Asim Rehman.

Commissioner Asim Rehman: Present.

Assistant General Counsel Halimi: Ivy Chiu.

Ms. Ivy Chiu: Present.

Assistant General Counsel Halimi: Joseph Gregory.

Mr. Joseph Gregory: Present.

Assistant General Counsel Halimi: Elizabeth Knauer. Madelynn Liguori.

Ms. Madelynn Liguori: Present.

Assistant General Counsel Halimi: Russell Pecunies. Elisabeth Mayer.

Ms. Elisabeth Mayer: Present.

Assistant General Counsel Halimi: Matthew Schneid.

Mr. Matthew Schneid: Present.

Assistant General Counsel Halimi: Scott Higgins. Douglas Swann.

Mr. Douglas Swann: Present.

Assistant General Counsel Halimi: Lisa Urban.

Ms. Lisa Urban: Present.

Assistant General Counsel Halimi: Jarrod Whittington.

Mr. Jarrod Whittington: Present.

Assistant General Counsel Halimi: Okay. We have a quorum. 10 out of 12.

Commissioner Asim Rehman: Great. Thank you very much. Does anyone have any corrections to the October 16th –

Assistant General Counsel Halimi: 9 out of 12.

Commissioner Asim Rehman: Okay. 9 out 12. Just to clarify. 9 out 12, but we still have a quorum. First item is the -- are the minutes from the October 16th, 2025 meeting. Does anyone have any corrections to the minutes? Okay. I'd like to ask for a motion to approve the minutes. A motion and

a second. I see a second. Okay.

Assistant General Counsel Halimi: Any objections to the motion to adopting the minutes of the October 16th, 2025 ECB meeting.

Ms. Lisa Urban: I have to abstain. I wasn't at the meeting.

Assistant General Counsel Halimi: Okay.

Commissioner Asim Rehman: Thank you.

Assistant General Counsel Halimi: Okay. Seeing no objections and hearing none, the motion is approved.

Commissioner Asim Rehman: Thank you. Okay.

We'll next move around on the agenda a little bit and we'll go to the pre-sealing report presentation by Kelly Corso. Kelly?

Ms. Kelly Corso: Hi everyone. I'm Kelly Corso. I am the Deputy Commissioner for Adjudications at the Hearings Division. And we have one pre-sealing report today for the board. And that is a report for Bonaparte Property Management. They had received a violation for a -- not having a operating certificate for their boiler. So it was a violation of the air code. They came in, had a hearing and presented the operating certificate that they had since received. DEP confirmed that certificate and the hearing officer recommended no further action for the case. And that's it.

Commissioner Asim Rehman: Okay, thank you. Does anyone have any questions for Kelly regarding the pre-sealing report? Okay, hearing none, I'd like to ask for a motion and a second to approve the pre-sealing report. I see a motion. And a second. Yes.

Assistant General Counsel Halimi: Are there any objections to the motion approving the pre-sealing report? Seeing none, hearing none, the motion is approved unanimously.

Commissioner Asim Rehman: All right. Thank you.

Ms. Kelly Corso: Thank you.

Commissioner Asim Rehman: For the record, we -- thank you, Kelly. We've been joined by Scott Higgins for the Police Department. And we will revisit the cease-and-desist orders once Russ Pecunies gets here. So I'd like to ask for a motion and a second to go into executive session. I see a motion. Thank you. A second. All right.

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.

Commissioner Asim Rehman: All right. Thank you. We've returned to public session for today's

ECB meeting. We have in front of us a JHO decision in DOB v. 417 West 44th Street, LLC, appeal number 2500791. The question before the board is whether to affirm the underlying decision which sustains the violation or whether to dismiss the summons. I'd like to make a motion -- I'd like to ask for a motion to take a vote and a second. All right, I see a motion and a second. All right, so we'll do this in terms of calling for a vote in favor of affirming the underlying in violation decision and reversing.

Assistant General Counsel Halimi: Okay. Commissioner Asim Rehman.

Commissioner Asim Rehman: Affirming.

Assistant General Counsel Halimi: Joseph Gregory.

Mr. Joseph Gregory: Affirm.

Assistant General Counsel Halimi: Madelynn Liguori.

Ms. Madelynn Liguori: Reverse.

Assistant General Counsel Halimi: Russell Pecunies.

Mr. Russell Pecunies: Reverse.

Assistant General Counsel Halimi: Elisabeth Mayer.

Ms. Elisabeth Mayer: Affirm.

Assistant General Counsel Halimi: Matthew Schneid.

Mr. Matthew Schneid: Reverse.

Assistant General Counsel Halimi: Scott Higgins.

Mr. Scott Higgins: Reverse.

Assistant General Counsel Halimi: Douglas Swann.

Mr. Douglas Swann: Reverse.

Assistant General Counsel Halimi: Lisa Urban. Ms. Lisa Urban: Affirm.

Assistant General Counsel Halimi: Jarrod Whittington.

Mr. Jarrod Whittington: Affirm.

Assistant General Counsel Halimi: Okay. 1, 2,3, 4, 5 for Affirm. And 1, 2, 3, 4, 5 for reverse.

Commissioner Asim Rehman: Okay. So we have a five, five vote. Yes.

Mr. Joseph Gregory: Did you want to mention that she abstains?

Commissioner Asim Rehman: Oh, yeah. And I'm sorry. Ivy Chiu is abstaining as a member of the Department of Buildings, since DOB is involved in this case. Also, for the record, since we returned to public session, Russ Pecunies has joined us and is now present for the board meeting. I thought you

had joined midway and was not here previously. All right. Since we have a five, five vote and since our practice on advice at the law department is that we need seven votes in total to advance on a decision, the board today is not taking any action or reaching any decision on appeal number 2500791 DOB v. 417 West 44th LLC. Any other discussion on that matter? Okay, we will now move back up to our cease-and-desist order item on the agenda from Russ Pecunies of DEP.

Mr. Russell Pecunies: Okay, thank you. Good morning. For this meeting, DEP is asking the board to approve two cease-and-desist orders. The first one is for Solimar Grill Restaurant Corp at 1800 Archer Street in the Bronx. This is a -- as you can see from the photo at the end of the package, a corner restaurant type of establishment. And it has been the subject of complaints regarding loud music. During this year, DEP has issued summonses for excessively loud music from the premises on May 16th, on August 22nd, and on October 31st, I guess maybe they were having a Halloween party. On the first two summonses, the respondent has defaulted on both of those hearings. The hearing on the October 31st summons is coming up in January. We are still receiving complaints about the premises. And based on the continuing violations, the two defaults, the continuing complaints, DEP is asking the board to issue an order to cease-and-desist from the use of the sound system in a way that violates the noise code.

Commissioner Asim Rehman: Okay. Any questions for Russ?

Mr. Matthew Schneid: Yeah, this is a little unusual for cease-and-desist. I don't recall often hearing noise violations. So is the way to comply simply just turning the volume down and would we find that satisfactory or they have to have no more --

Mr. Russell Pecunies: Normally, so for -- these violations are eligible for zero penalty and in order to prove what they need to get a zero penalty, the proof that's required is they have to have a letter from an acoustical consultant or another noise qualified expert certifying what work has been done to correct the condition, that the establishment is now -- they're certifying on their letterhead that the establishment is now in compliance with code and the work has to include the installation of a limiter on the sound system so that the level of the music cannot be turned up by the employees to a level that would violate the code.

Mr. Matthew Schneid: Got it.

Mr. Russell Pecunies: So that would be what would constitute compliance.

Mr. Matthew Schneid: Okay. That's helpful. Thank you.

Mr. Russell Pecunies: Yeah.

Commissioner Asim Rehman: Any other questions? And here the practices for the IOs to actually go into the residence or the location of the complainant so they can get like a reading.

Mr. Russell Pecunies: What they did, the procedure is, is that one inspector is in the complainant's dwelling, taking the readings. There's another inspector in the establishment, they

broadcast the music from the guy in the establishment up to the inspector in the dwelling unit. So they confirm that it's coming from that establishment.

Commissioner Asim Rehman: Yes.

Mr. Russell Pecunies: And then the readings are taken in the complainant's apartment.

Commissioner Asim Rehman: Yeah. And the cease-and-desist is of going forward, whereas the upcoming hearing on January 20th regarding the Halloween Day incident is all backwards looking. Okay. All right. I'd like to ask for a motion and a second for a vote on the cease-and-desist order request regarding Solimar Grill Restaurant. A motion. I see a second. Second. Okay. I'd like to all for a vote to approve DEP's request for a cease-and-desist order regarding Solimar Grill Restaurant at 1800 Archer Street.

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.

Commissioner Asim Rehman: All right.

Mr. Russell Pecunies: Everyone, thank you. For the second one, the establishment in question is Fidelis Care. It is an urgent care medical facility at 9501 63rd Drive, Regal Park in Queens and they have a HVAC machine on the roof. That has been the subject of repeated complaints for excessive noise in violation of Section 227 (a) of the code. They were cited once last year in August and they defaulted on that violation and paid the default penalty. They were then cited again in July and defaulted on the hearing in September, and they have been cited again then on October 7th. Hearing date on that one is December 17th. Based on the repeated violations and the fact that we are still getting complaints about this again, the Department is asking the board to issue an order to cease-and-desist.

Commissioner Asim Rehman: So obviously a different location, but similar to the one we just discussed.

Mr. Russell Pecunies: Except that this is a more of a stationary install thing on the roof. The other one is a sound system, but yeah, basically.

Commissioner Asim Rehman: Understood. Okay. Any questions for Russ? Okay. Yes.

Ms. Ivy Chiu: Yes. So similar to the earlier question, how would -- what would the remedy be?

Mr. Russell Pecunies: How would they comply?

Ms. Ivy Chiu: Yes.

Mr. Russell Pecunies: Well, I mean it depends on why it's too noisy. It could be that the equipment needs to be serviced or repaired or it could just be that in that location what they have up there is just too noisy. In that case, they can put up an acoustical enclosure around the equipment or a baffle of some kind based on where the complaints are coming from to just put something between

the machine and the complainant to deaden the noise. Usually fixing something like this is not a huge lift, but they do have to have somebody come and look at it. And since they did pay one of the default penalties, they are aware of it.

Commissioner Asim Rehman: Questions? All right. May I have a motion for a vote? I see a motion. I see a second. Okay. We will proceed with a vote on whether to approve DEP's request for an order to cease-and-desist for Fidelis Care at 95-01 63rd drive.

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.

Commissioner Asim Rehman: All right. Thank you. Mr. Russell Pecunies: Thank you.

Commissioner Asim Rehman: Thank you. All right. We will now look at dates for our next meeting. The proposed dates are in February, the 5th and the 12th of February. Does anyone have any scheduled concerns on either of those dates?

Mr. Jarrod Whittington: I would not be able to do the 12th.

Commissioner Asim Rehman: Okay. Is the 5th clear for everyone else?

Mr. Russell Pecunies: 5 or 12?

Commissioner Asim Rehman: 5 or 12, either. Okay. All right, so let's schedule our next meeting for the 5th of February. And I just want to, again, request that we have everyone's signature on the sign-in sheet. Look for it, it is floating around here somewhere. Please make sure that if anyone needs it, it's on the table. And then does anyone have any other business?

All right, before we wrap up, I just want to note for the record that this is the last meeting of the 2025 calendar year. The work of ECB obviously continues, but I do want to take a quick moment to first hope that everyone had a good Thanksgiving holiday and hope that you all who have any holiday celebrations coming up later this month have a good one and a safe one and a relaxing time with family. But also want to thank you all for the service that you provided this calendar year. This is important work that helps drive not only the quality of the services that enforcement agencies provide, but it helps provide a level of accountability that the members of public expect. And so, thank you all for your service on the board. And with that, I'll ask for a motion and a second to adjourn today's meeting. I see a motion. I see a second. Can we have a vote?

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

Commissioner Asim Rehman: Okay. We'll adjourn today's meeting. Thank you everyone.

[00:16:16] [end of audio]

Certificate of Accuracy

I, Bernard Aguya, certify that the foregoing transcript of the Meeting of the Environmental Control Board on December 4, 2025 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

BA

Date: December 10, 2025

A handwritten signature in black ink, appearing to be 'Ayesha Sikder', written over a horizontal line.

Reviewed By

I, Ayesha Sikder, conducted a quality control review of the certified foregoing transcript.

Date: December 10, 2025

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