

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

June 11, 2026 9 : 4 0 a.m. to 10 : 30 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)
- Lisa Urban, Esq. – Appointed Member (General)
- Jarrod Whittington – Appointed Member (Noise)

Also Present:

- Rachel Amar – Senior Advisor to the Commissioner (OATH)
- Isabelle Bui – Summer Intern (DEP)
- Garrett Burnett – Summer Intern (OATH)
- Sola Best Charles, Esq. – Assistant General Counsel (OATH)
- Cindy Chen – OMB [remote]
- Kelly Corso, Esq. – Deputy Commissioner, Hearings Division (OATH)
- Leon Dawson, Esq. – Assistant General Counsel (OATH)
- Jordan Dorfman – Summer Intern (OATH)
- Ali Engle – Summer Intern (OATH)
- Tara Evans – Summer Intern (OATH)
- Allison Gerth – Summer Intern (DEP)
- Amber Gonzalez, Esq. – Hearing Officer, Appeals Division (OATH) [remote]
- Nikitha Hadya – Summer Intern (DEP)

- Diana Haines, Esq. – Deputy General Counsel (OATH) [remote]
- Madeline Halimi, Esq. – Parliamentarian; Assistant General Counsel (OATH)
- Soyeon Kim – Summer Intern (OATH)
- Max Lucas – Summer Intern (DEP)
- Joseph Masella – Summer Intern (DOB)
- Frank Ng, Esq. – General Counsel (OATH)
- Vincent Rago – Summer Intern (OATH)
- Peter Schulman, Esq. – Deputy Commissioner, Appeals Division (OATH)
- Mariam Siddiqui – Summer Intern (OATH)
- Daniel Song – Summer Intern (OATH)
- Thomas Southwick, Esq. – Assistant Commissioner, Appeals Division (OATH) [remote]
- Kenny Summers – Summer Intern (DEP)

Transcript

Commissioner Mayuga: Okay. Good morning. For the record -- all right. I, having said that, I'm going to call the meeting to order. Thank you all for being here. And if I could just have our parliamentarian please conduct roll call to verify quorum.

Assistant General Counsel Halimi: Commissioner Mayuga?

Commissioner Mayuga: Here.

Assistant General Counsel Halimi: Shamonda Graham?

Ms. Graham: Here.

Assistant General Counsel Halimi: Joseph Gregory?

Mr. Gregory: Present.

Assistant General Counsel Halimi: Elizabeth Knauer?

Ms. Knauer: Present.

Assistant General Counsel Halimi: Madelynn 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? Lisa Urban?

Ms. Urban: Present.

Assistant General Counsel Halimi: Jarrod Whittington?

Mr. Whittington: Present.

Assistant General Counsel Halimi: We have quorum, 11 -- 11 out of 12.

Commissioner Mayuga: Thank you very much. And anybody, any corrections to the minutes from our last meeting, which was held on April 9, 2026? I take that as a no. If I could please have a motion to adopt the minutes. Well, we're picking, let's just start close, Madelynn. (Laughs).

Ms. Liguori: Okay.

Commissioner Mayuga: And, second, we'll just go right next to Elizabeth.

Ms. Mayer: Okay.

Assistant General Counsel Halimi: Are there any objections to the motion adopting the minutes - the April 9, 2026 ECB meeting? Any abstentions? Okay. Seeing none, hearing none, the motion is approved unanimously.

Commissioner Mayuga: Thank you everybody for that. If I could just now ask, you probably all know our general council, Frank Ng, who's going to present something I need.

Mr. Ng: Good morning, members. Good morning, Chair. On behalf of the Chair, it's my honor to present a proposal to appoint Commissioner Vilda Mayuga as Executive Director of the Environmental Control Board. The executive director title is referenced in Chapter 3 of the OATH rules, including the executive director's authority to accept post-judgment motions, to amend records, to accept post-sealing motions, to remove or modify a seal under Sections 3-19, 3-22 and 3-23. In accordance with charter section 1049(a)(a), an executive director may be appointed subject to the approval of the Board.

As members may recall, previous OATH commissioners have served in the role of executive director. As such, I am calling for a motion to approve the appointment of Commissioner Vilda Mayuga as Executive director of the Environmental Control Board. Do we have a motion? Yes. We have a motion from Scott Higgins. Do we have a second? We have a second from Shamonda Graham. At this time we'll -- I'll ask if there are any objections to the appointment of Commissioner Vilda Mayuga as Executive Director. Seeing none, hearing none, the motion is approved.

Commissioner Mayuga: Thank you very much. We are going to -- we've got to move into executive session, so if I could have a motion to get us there. Okay. So we'll have to (unintelligible) a second and we'll just -- yeah.

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

Commissioner Mayuga: Okay. So I'm going -- I'm going to pause the recording. Thank you.

[Off the record]

[On the record]

Commissioner Mayuga: Welcome back. Okay. We are going to move to any request for cease and desist orders by DEP. Russell, why don't you move us along.

Mr. Pecunies: All right. Thank you. Russell Pecunies with DEP. So this, I don't even know where to start with this, but it -- it's a little bit of a convoluted story. So we are making a request to the Board to issue a cease and desist order to Broadway 111 Street condominium, which is at 600 West of 111 Street in Manhattan.

This is a large pre-War condominium building that has, at street level -- in addition to the 140 odd apartments, at street level, there is a Famiglia Pizza, a Just Salad, and a pressed juice bar. This building was originally ordered to comply with DEPs backflow prevention requirements in 2013. And we issued that order to the condominium because it has -- the building has, and at the last meeting we went through some of the reasons why buildings have to install backflow devices.

So this building has a booster pump and a booster pump is -- so the -- the water pressure created when water comes down to the City from upstate is generally enough to get water up to about the sixth floor of buildings. And so if the building is taller than that, it requires a pump to get the water up to the rest of the building.

I think this building is 12 stories, so the building has a booster pump. The building has commercial dishwashers in it, I'm assuming from the Pizzeria and the Just Salad and the juice bar. The building has a laundry room, which is considered a commercial laundromat. The building has a fire sprinkler system. The building has a roof tank and the building has a large boiler.

Any one of these things would mean that they need to have backflow prevention installed on the building and they have like half a dozen of these things. So they were ordered to comply in 2013. When they did not comply, a summons was issued and they appeared on the summons 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 times.

And, ultimately, after the 10th time, they were found in violation. And they were represented by Counsel Jaffa, Jack Jaffa, which is one of the -- I see Shamonda rolling her eyes, which is one of the high-volume reps that appears on millions of OATH hearings.

And, ultimately, when the hearing took place, they denied with no rebuttal. So they did not contest that they're in violation. And they were found in violation. And based on the finding of violation and the fact that they still had not complied, they were -- we asked the Board for a cease and desist order in 2017.

At the July, 2017 meeting, the Board approved a cease and desist order to this building. And on the cease and desist order, again, through Jaffa's office, they appeared 1, 2, 3, 4, 5, 6, 7 times on the cease and desist order.

And during this whole process of appearing at OATH, they consistently maintained that they understood that they were required to do this and they submitted to do it. They submitted the plans and had the plans approved to do it.

But then, first, it was that the elevators in the building needed to be replaced. Then it was that ConEd was requiring them to make extensive repairs on the gas system. Then it was that the building's department had determined that the laundry room in the building was illegal.

So it was one excuse after another why installing the backflow devices had to be put back to the end of the line of the things that needed to be done in this building. And, ultimately -- and Kelly Corso, and I don't know if Kelly is on. Kelly seems --

Commissioner Mayuga: She's right behind you.

Mr. Pecunies: Oh, Kelly's here. Hi, Kelly. So, apparently this came before the Board back in 2018 over the issue of turning the water off. And the determination of the Board, at the time, apparently was that because there are 140 something apartments in this building, that the Board decided not to turn the water off or approve the turning off of the water. Is that your --

Ms. Corso: There was a lot of -- Kelly Corso with DEP. There was a lot of fact work with the Board about the fact residential --

Commissioner Mayuga: I remember.

Ms. Corso: -- building condos, I believe.

Mr. Pecunies: Yeah, that's about 150 condos.

Ms. Corso: And there was a lot of discussion about whether the building really knew what was going on. The rep who came in, being high volume rep, came in to the hearings, as you were saying, didn't really know much.

And there was concern that building management and the residents didn't really know up was going on at the building so we agreed that we would table it -- the Board would table it and DEP would send an inspector to the building to see if there was someone that they could talk with and then follow up.

Yes, indeed there was a follow up in the next Board meeting. At the next Board meeting that DEP indicated that they were doing some internal discussions about the backflow shut -- shut off and they wanted to table it. And that's what I know.

Mr. Pecunies: Okay. So now fast forward to today. We recently revived this issue by issuing them another summons. And they appeared, again, by Jaffa and they, again, as they did with the summons nine years ago, they denied with no rebuttal and they were found in violation. They still have not complied.

And the issue that adds on to this at this point is that there is actually backflow occurring at the building. Some of the attachments to the cease and desist order, which I'm not an expert on interpreting some of these drafts and stuff, but I'm told that they show that the meter is running backwards.

Commissioner Mayuga: Yeah. It does. It's clearly going that wrong way.

Mr. Pecunies: So we discussed this internally and I then discussed this the other day of -- after we discovered that there was an old cease and desist order, I talked to Peter about whether we should bring this back before the Board based on the fact that the old order is nine years old and in -- if we're going to proceed against the building, to do it on the basis of a nine-year-old order might not be that great.

So I did, very specifically, ask them in view of the fact that this is probably 400 or 500 people living in this building if it's 140, 150 condos, are we prepared to turn the water off? And the answer that I got is that subject to final approval from our Commissioner, they are prepared to turn the water off if they don't comply with this.

I just want to make clear that all we are asking you to do today is to issue a new cease and desist order, which we would ask to be expedited with an expedited hearing date. And we will then, in addition to serving it normally, we will make sure that they get a copy at Jaffa because we know Jaffa represents them, so that they will then, again, be back in front of a Hearing Officer on this whole issue of complying.

So we're not asking you to approve turning the water off today, we're just asking you to approve issuing a new current cease and desist order to get this back in front of a judge.

Commissioner Mayuga: Questions?

Mr. Pecunies: And I -- I did -- at -- at the last meeting, I think I did say that we would not be bringing you requests related to residential. And now, of course, the first request is residential. But it is because of the unique history and because backflow actually is current and so there is the potential in the roof tank, in the booster pump, in the boiler, there is a potential for stale in the fire suppression

system, for stale old bacterial infected water to be going back into the water main. And so they've had 13 years to comply with this and we really need them to do something at this point.

Commissioner Mayuga: Is there -- I know it's only -- now I'm like Shamonda. But so just out of curiosity, understanding how it works since I'm new to -- especially with this -- with this. So we issue -- the Board -- if the Board agrees to issue the -- the cease and desist order, bring it to a hearing, you know, the -- the -- let's pretend the Hearing Officer agrees with DEP, and what happens after that?

Mr. Pecunies: Well, so, I mean if they show up at the hearing, the first thing is that they do have approved plans if they're 13 years old. So -- but they -- probably, if there haven't been any changes to the water system in the building, they can probably still use them.

So there are approved plans for installing the devices, they just have to get a plumber to come in and do it. The other thing is that when I looked this up on the building's department website the other day, the big red thing on the screen is there that they have open class 1 violations, I think.

Commissioner Mayuga: Yes.

Ms. Corso: They need to be cleared before they could have move forward? No, because they already --

Commissioner Mayuga: No, we've done the --

Mr. Pecunies: What's that, I'm sorry?

Ms. Corso: Would those violations need to be cleared before they can move --

Mr. Pecunies: Well, they need -- in order to do this, they need a permit -- buildings department permit and I don't think they can get it if they have that red thing on the page when you open it.

Commissioner Mayuga: What are those?

Ms. Graham: So -- yeah. I was just about to say. So -- so there are two things happening on the DOB website. The first thing is the laundromat that you speak of that is commercial with the six -- I think it said six washers. That is still a pressing issue for DOB. There's an unresolved summons related to the la -- laundromat. So that's the first thing.

The second thing is that banner that you see is a DOB civil pe -- penalty for having a class 1 violation and not correcting it. It's likely the laundromat.

Mr. Pecunies: And that's usually \$5,000.

Ms. Graham: This one, it depends on how old it is. It would have been five -- it would have been either \$1500 or \$3000. I just had it open. I can tell you. Give me one second. Of course, it just closed, but I'll get it back up.

Commissioner Mayuga: But maybe a penalty is easy. The question is, there might be -- they might have to correct -- actually correct this violation before they can get another permit?

Ms. Graham: So I don't handle the permit, so I don't want to give you the wrong answer. I know that oftentimes the civil penalties will create a barrier. I do not think that having the open violation will create a barrier for getting a permit to do what they need to do. That the violation is not going to --

Mr. Pecunies: Because the -- the truth that they come into compliance, the test report, they have to put the barcode sticker from the DOB permit on the test report that they submit to us. So they can't comply with this without getting DOB permit.

Ms. Graham: Hold on. I'm just going to see how much it is.

Commissioner Mayuga: Is there a way that if -- if, in fact, the uncorrected, not the unpaid penalty, because to me that seems like a no brainer. They could just pay the penalty. But if, in fact, the uncorrected laundry room violation is an impediment to them getting a DOB permit, could that be worked out between the agencies so that in fact they can correct the -- that -- put in the backflow preventer since this is sort of like a public health issue?

Ms. Graham: The violation's not an impediment to getting -- no. What happens at DOB, the civil penalty can serve as an impediment but not the violation.

Commissioner Mayuga: The ones they pay, it's your point?

Ms. Graham: Uh-huh.

Commissioner Mayuga: Excellent. Okay.

Ms. Graham: And that's civil penalty -- well, not so bad. They only have one of the vi- -- hold on. They have a lot of DOBs. Let me just see what the amount is. It's \$1500, so it's pretty old. That tells me it's very old from, 2017.

Commissioner Mayuga: Same time as when you stated.

Mr. Pecunies: Okay. So that shouldn't be really an impediment then to that.

Ms. Graham: Uh-uh. And it's for -- and it -- actually, you know what Russ, I'll follow up with you. I'm going to go and look at this because the -- the summons it's connected to, is resolved. And we don't generally resolve summonses if they haven't paid that penalty. So there may be a disconnect on my side. So I will follow up after the meeting.

Mr. Pecunies: Okay. Sounds good.

Mr. Schneid: If we issue the cease and desist, there's going to be a hearing and what -- they'll be able to discuss this and resolve the matter of the DOB penalty. That'll be all part of their process to resolve this, correct? Once we issue the cease and desist, there's a -- a hearing on this matter and --

Mr. Pecunies: Right, yeah.

Mr. Schneid: -- there's a discussion that happens with respondent.

Mr. Pecunies: Well, I mean what we would expect them to come into a cease and desist hearing and say is that they've hired a plumber and that the work is scheduled and that they have all the required paperwork that they need to go ahead and do it.

If -- if they need a couple of -- a couple of months to do it or something like that, then that's -- then that's probably okay. But, again, since there is an active condition at this building, that's why we would ask for the order and the hearing date to be expedited. The -- this does -- this has to get taken care of now.

Ms. Knauer: Given the history, is there a way to -- to either have it done or, you know, if they don't comply? Just because, I mean, this has been going on since the years, like it's emergency repair or order or something along those lines that can tell them --

Mr. Pecunies: You mean can the City do it?

Ms. Knauer: Well, yeah, eventually. Let's say they don't comply. Yeah.

Mr. Pecunies: Then the -- the -- the devices are installed inside the building after the water meter, so it would require access to the building. So I don't think there's any way the City could do it.

Ms. Knauer: Is there any -- is there any means of requiring appearance by the actual respondent and not just a representative at the hearing?

Mr. Pecunies: I don't know if there's a way that we could require anybody specific to appear at the hearing. I know at the hearings that took place back in 2017, 20 -- 2018 somebody named John Devall from Orsid Realty, which is apparently the managing agent, did appear at some of the hearings. And I think Orsid Realty is still the mailing address for them, so --

Ms. Knauer: So hopefully somebody will come and understand that this is -- you know, could resolve in, you know, water --

Mr. Pecunies: The lawyers at Jaffa deal with this sort of thing.

Commissioner Mayuga: That's a good question. I mean, I -- I'm not, although I am an attorney, I am not the attorney for the Board, can the Board -- in issuing the -- the cease and desist order and scheduling an expedited hearing at the request of petitioner, so your point, Elizabeth, can that order include and the Board say, you have a right to representation so by all means have that, but can the Board here -- can we all decide a live person from the actual petitioner, sorry -- respondent is to show up?

Ms. Graham: I think the OATH rules might -- we would -- we would probably have to look at the OATH rules. And the --

Commissioner Mayuga: So asking the attorney.

Ms. Graham: Yeah, our appearance rules --

Mr. Ng: In the ordinary course, it would be incumbent upon respondent to bring whatever evidence and witness testimony it feels to proffer their case.

Mr. Pecunies: I think that's something the Hearing Officer could direct once they are in front of the Hearing Officer, right?

Mr. Ng: Once they're -- once the adjudication takes place, that may be something within the Hearing Officer's discretion.

Commissioner Mayuga: There -- is there a contempt? Like let's say they don't do this now, is there vehicle for contempt?

Mr. Ng: There would not be. There would be -- the Hearing Officer may take an adverse inference if that's within -- within their discretion.

Mr. Schneid: If they don't have to show up, they have counsel in there being represented. Like it's unfortunate that like it's not getting -- first of all, we don't know that it's not getting to the Condo

Board. We're also making a lot of inferences here. But they have counsel and it's incumbent on them to speak with the building.

Like we -- we don't need to force them to do it. I'd like them to do this. Like, it's really unfortunate we're here 13 years later and I think we have to take action. This is now causing a problem. But if they don't want to show up to their hearing and they're sending their representative, I think that's their prerogative.

Commissioner Mayuga: Yeah. I think that was the point.

Ms. Knauer: I'm sorry. I -- I just -- I need to -- I need to leave for another meeting, so I don't know if we can -- I'm just mentioning that in case we could vote soon, but, obviously if -- if -- I don't want to cut off this further discussion.

Commissioner Mayuga: Okay. I mean, we were going beyond just issuing cease and desist and this is because I think we're all curious about how ultimately this will be, it's because we care, but yes.

Mr. Pecunies: Yeah. I don't think showing up is going to be an issue. They showed up for almost three years, almost 30 times on this. So I -- I don't doubt they're going to show up. It's, oh, are they going to do anything.

Commissioner Mayuga: Okay. Anything else before we take a vote? Okay. Could I have a motion to approve the issuance of a cease and desist order in the matter of Broadway 111th Street condominium? We'll go with Scott, and then second, Madelyn.

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: And I just think -- I think there was an issue about whether this would be considered to supersede the order that was issued in 2017 and whether that order would need to be discontinued or something of that nature. I mean, since there would be a new order, I think the old order becomes irrelevant, but --

Commissioner Mayuga: We can put that in the -- in the new order. We can make reference to the 2017 order. Looking at Peter and Kelly.

Ms. Corso: I can do with that.

Commissioner Mayuga: Okay. All right. Okay. That was the only case you were bringing, right, a cease and desist? Are there any other questions for today? Hearing none, favorite topic. Next meeting. August 6th or 13th is in the middle of people taking vacation, so --

Mr. Pecunies: The 6th is definitely --

Commissioner Mayuga: Any preference? (Laughs).

Mr. Pecunies: The -- the further we go into August, the worst it becomes. So, neigh. So the 6th.

Commissioner Mayuga: The 6th?

Mr. Pecunies: Yeah.

Ms. Corso: 6th should be.

MS. Knauer: Of the two, that's the only one I can --

Commissioner Mayuga: The 6th?

Ms. Knauer: Yeah.

Commissioner Mayuga: Lisa?

Ms. Urban: Yeah.

Commissioner Mayuga: Okay. You go it.

Ms. Mayer: It sounds like parliamentarian was talking to all of you before we got there.

Commissioner Mayuga: Okay. This 6th it is. Did everybody sign the attendance sheet?

Mr. Whittington: No.

Commissioner Mayuga: No. (Laughs) Who has the attendance sheet?

Assistant General Counsel Halimi: It's up there.

Commissioner Mayuga: Oh, okay. Just one motion and I'll second to adjourn the meeting. So, Knauer, Elizabeth, Matthew.

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

Commissioner Mayuga: Meeting adjourned. Thank you everybody very much.

(The Board Meeting concluded at a.m.)

**Reviewed and corrected by the OATH
Office of the General Counsel on
7/6/26.**

Certificate of Accuracy

I, Bernard Aguya, certify that the foregoing transcript of the Meeting of the Environmental Control Board on June 11, 2026 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

BA

Date: June 29, 2026

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

Reviewed By

Catherine Wade

Date: June 29, 2026

Accurate Communication Inc.

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