

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

BOARD MEETING

VIA VIDEO CONFERENCING

April 15, 2021

9:35 a.m. to 10:13 a.m.

April 15, 2021

## MEMBERS PRESENT:

**Joni Kletter, Esq. - Commissioner/Chief Administrative Law Judge, OATH, Chair/Executive Director, OATH ECB**  
**Shamonda Graham - Department of Buildings (DOB)**  
**Joseph Gregory - 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 & Mental Hygiene (DOHMH)**  
**Russell Pecunies, Esq. - Department of Environmental Protection (DEP)**  
**Tom Shpetner, Esq. - Appointed Member**  
**Matthew Smith, Esq. - New York City Police Department (NYPD)**  
**Douglas Swann - Appointed Member (Air)**  
**Jarrod Whittington - Appointed Member (Noise)**

## ALSO PRESENT:

Rachel Amar - Special Assistant to Commissioner, OATH  
John Castelli - Deputy Commissioner for Legislative Affairs, OATH  
**Kelly Corso, Esq. - Assistant Commissioner for Hearings Division Adjudications, OATH**  
David Feldman - Business Integrity Commission (BIC)  
Brian Gatens - Member of Public  
Svetlana Iosilevich, Esq. - Executive Agency Counsel, Business Integrity Commission (BIC)  
Timothy Jones, Esq. - Senior Counsel, OATH  
Susan Kassapian, Esq. - Deputy Commissioner/Appeals, OATH  
Richard J. LaPlant - Office of Management and Budget (OMB)  
Frank Ng, Esq. - Deputy General Counsel, OATH  
Peter Schulman, Esq. - Asst. Director for Appeals, OATH  
**Frances Shine - Secretary to the Board**  
Amy Slifka, Esq. - Deputy Commissioner/Hearings Division, OATH  
Samuel Solomon, Esq. - Chief of Staff/Special Counsel, OATH  
Thomas Southwick, Esq. - Supervising Attorney for Appeals, OATH  
**Olga Statz, Esq. - General Counsel, OATH**  
**Joy A. Thompson, Esq. - Assistant General Counsel, OATH**

April 15, 2021

## INDEX

	Page
Joni Kletter, Esq.	4
Joy Thompson, Esq.	4
Joseph Gregory	4
Elizabeth Knauer, Esq.	4
Madelynn Liguori, Esq.	4
Jorge Martinez, Esq.	5
Russell Pecunies, Esq.	5
Tom Shpetner, Esq.	5
Douglas Swann	5
Jarrod Whittington	5
Frances Shine	5
Olga Statz, Esq.	6
Shamonda Graham	11
Kelly Corso, Esq.	22
Peter Schulman, Esq.	27
Thomas Southwick	27

1 April 15, 2021

2 (The board meeting commenced at 9:35  
3 A.M.)

4 JONI KLETTER, ESQ., CHAIR, EXECUTIVE  
5 DIRECTOR, OATH ECB, COMMISSIONER/CHIEF  
6 ADMINISTRATIVE LAW JUDGE, OATH: Okay, thank you.  
7 I'm going to call the meeting to order. I'm  
8 going to ask Joy for a roll call to verify  
9 quorum.

10 JOY A. THOMPSON, ESQ., ASSISTANT GENERAL  
11 COUNSEL, OATH: Thank you and good morning,  
12 Commissioner. Okay. I'm going to start with the  
13 Commissioner.

14 MS. KLETTER: Present.

15 MS. THOMPSON: Shamonda Graham? Joseph  
16 Gregory.

17 JOSEPH GREGORY, NEW YORK CITY FIRE  
18 DEPARTMENT: Present.

19 MS. THOMPSON: Elizabeth Knauer.

20 ELIZABETH KNAUER, ESQ., APPOINTED  
21 MEMBER: Present.

22 MS. THOMPSON: Madelynn Liguori.

23 MADELYNN LIGUORI, ESQ., APPOINTED  
24 MEMBER: Present.

1 April 15, 2021

2 MS. THOMPSON: Jorge Martinez.

3 JORGE MARTINEZ, ESQ., DEPARTMENT OF  
4 HEALTH & MENTAL HYGIENE: Present.

5 MS. THOMPSON: Russell Pecunies.

6 RUSSELL PECUNIES, ESQ., DEPARTMENT OF  
7 ENVIRONMENTAL PROTECTION: Present.

8 MS. THOMPSON: Thomas Shpetner. Okay, I  
9 see you. I don't hear you. Matthew Smith?

10 TOM SHPETNER, ESQ., APPOINTED MEMBER:  
11 Present. Sorry.

12 MS. THOMPSON: Thank you. I see you,  
13 Matthew Smith. Douglas Swann?

14 DOUGLAS SWANN, APPOINTED MEMBER:  
15 Present.

16 MS. THOMPSON: Thank you. And Jarrod  
17 Whittington.

18 JARROD WHITTINGTON, APPOINTED MEMBER:  
19 Present.

20 MS. THOMPSON: We have quorum. Right  
21 now, we're still waiting for Shamonda Graham.

22 FRANCES SHINE, SECRETARY TO THE BOARD:  
23 She sent an e-mail that she's coming.

24 MS. KLETTER: Alright. I'm going to ask

1 April 15, 2021

2 for a motion to adopt the minutes of the February  
3 18, 2021 Meeting.

4 MS. LIGUORI: Motion.

5 MS. KLETTER: Thank you. Does anyone  
6 have any corrections? Okay, then I'm going to  
7 ask Joy to call for a vote to approve the minutes  
8 as presented.

9 MS. THOMPSON: Thank you very much. At  
10 this point, I'm just going to ask if there are  
11 any objections to the approval of the minutes  
12 from the February 18th Meeting. Okay. Hearing  
13 none, the motion passes, Commissioner.

14 MS. KLETTER: Great. Thank you. I'm  
15 now going to ask Olga Statz, our General Counsel,  
16 to introduce OATH's proposed rule regarding the  
17 authority of the Chief Administrative Law Judge  
18 to transfer petitions between the divisions.

19 OLGA STATZ, ESQ., GENERAL COUNSEL, OATH:  
20 Yes, hi. Good morning, everybody. This rule  
21 that we are now proposing basically formalizes  
22 authority formal -- it does two things. Formal,  
23 first, formalizes, and number two, renders  
24 symmetrical an authority that the, the Chief

1 April 15, 2021

2 Administrative Law Judge already has.

3 Under Trials Division rules, the Chief  
4 Administrative Law Judge has the authority to  
5 take a petition that was filed in the Trials  
6 Division and send it over to the Hearings  
7 Division, if, if she believes that that is, it's,  
8 it would be better heard in that place. And, for  
9 a number of years, this authority was used back-  
10 backwards and forwards, Hearings into Trials,  
11 Trials into Hearings. So what we've done now is  
12 we wanted to formalize her authority by putting a  
13 mirror image rule in Hear-, in the Hearings  
14 Division rules so that it can reflect the Trials  
15 Division rules.

16 So the Trials Division rules still say  
17 that the Chief Administrative Law Judge has the  
18 authority to transfer a petition from Trials into  
19 Hearings, and now the Hearings Division rules  
20 have, have a specific rule that say that the  
21 Chief Administrative Law Judge has the authority  
22 to transfer a summons from the Hearings Division  
23 to the Trials Division. That became something we  
24 wanted to do because the, the Hearings Division

1 April 15, 2021

2 is, is expanding. It's, it's taking on more  
3 different, it's taking on different types of  
4 cases. And there have been in-, have been  
5 instances where some of the Hearings Division  
6 cases walk and talk and sound like Trials  
7 Division cases because they have multiple  
8 witnesses, some expert witnesses. They take days  
9 and days and days. They have voluminous  
10 exhibits. Where the Hearings Division is not  
11 really set up for that. So we wanted to make  
12 sure that the ar-, that the Chief Administrative  
13 Law Judge could transfer those, those proceedings  
14 over to Trials, if necessary.

15 So that's the rule that you have before  
16 you. Any questions? Yeah?

17 MR. MARTINEZ: I have a question. Jorge  
18 Martinez, Department of Health. What is the  
19 criteria to be used? I mean, you've mentioned  
20 some of it, but why can't it be in the actual  
21 rule, like this is our criteria to be used to  
22 determine whether something can be transferred to  
23 one venue or the other?

24 MS. STATZ: Well, because we have to

1 April 15, 2021

2 give, we have to give OATH flexibility to make  
3 these determines, because some cases, it's a  
4 matter of the voluminous evidence. Some other  
5 cases, it's a matter of, of the type of  
6 proceeding that's happening. For example, if  
7 it's a, if it's a discretionary proceeding about  
8 whether someone is fit to have a license. So  
9 that's really a legal issue that we think should  
10 be heard at Trials.

11 So there's so many different variants  
12 that we have, we made it broad and gave the, the,  
13 the Chief Administrative Law Judge that kind of  
14 authority so that when things actually hit the  
15 air, we can figure out what we're doing with  
16 them.

17 MR. MARTINEZ: Are you concerned about  
18 lack of consistency in how that rule may be  
19 applied or is being applied at the --

20 MS. STATZ: No, not at all. I mean,  
21 because, first of all, most of the time it's the  
22 agencies that determine where the matter is going  
23 to be heard. So if an Agency --

24 MR. MARTINEZ: Mm-hmm.

1 April 15, 2021

2 MS. STATZ: -- puts in a petition, that,  
3 that matter is going to be heard at Trials. If  
4 the agency puts in a summons, that matter is  
5 going to go to, to Hearings. So basic-, so the  
6 first volley is the agencies. It's just that  
7 sometimes the agencies put forward something, and  
8 this mostly happens with the former Department of  
9 Consumer Affairs, now DCWP, some of their cases  
10 look very simple and are based on summonses at  
11 the outset. But once they're being heard,  
12 they're extremely complex and they take days and  
13 days. They, they tie up hearing officers for  
14 multiple days, sometimes like three, four days on  
15 one matter being heard four, five hours during  
16 the day. So we need the flexibility to pluck  
17 those out of the Hearings Division and put those  
18 in Trials, where they, where they need to be.

19 MR. MARTINEZ: Thank you.

20 MS. KLETTER: I would also -- yeah, if  
21 I'm not mistaken, it's the same standard of  
22 review and, you know, nobody is being prejudiced  
23 by it being, you know, in [inaudible] [09:41:30]  
24 [00:06:30] Division or not.

1 April 15, 2021

2 MS. STATZ: Any other questions?

3 MR. MARTINEZ: You said the same  
4 standard of review is being implemented when  
5 making decisions?

6 MS. STATZ: The same standard, yeah.

7 MS. KLETTER: Standard.

8 MS. STATZ: A preponder- preponderance  
9 of the evidence.

10 MR. MARTINEZ: Okay.

11 SHAMONDA GRAHAM, DEPARTMENT OF  
12 BUILDINGS: Hello? Hello? Can you guys hear me?

13 MS. STATZ: Hi, Shamonda.

14 MS. GRAHAM: Hi, guys. This is Shamonda  
15 Graham from Department of Buildings. I just have  
16 one question regarding the proposal.

17 MS. STATZ: Yes?

18 MS. GRAHAM: As it relates, as it  
19 relates from transferring from the Hearings  
20 Division to the Trials Division, would there --

21 MS. STATZ: Yes?

22 MS. GRAHAM: -- be an expectation to  
23 produce or to serve a separate charging  
24 instrument? Or would, when you say transfer the

1 April 15, 2021

2 case over, it would be everything that was  
3 already filed with the Hearings Division would  
4 simply be heard by an Administrative Law Judge in  
5 the Trials Division?

6 MS. STATZ: Yes, that, that's the  
7 anticipating -- the, that's the way we anticipate  
8 doing it. So we're not asking, we would not be  
9 asking the agencies to go back and, and create a  
10 new charging instrument. We would just be making  
11 a determination that this charging instrument  
12 that was presented really is better served in  
13 anothe-, in, in the other hear-, in the other  
14 division, which- whichever it is.

15 MS. GRAHAM: Okay. And, and, and please  
16 just make sure, I want to make sure I understand,  
17 understand completely. I'm sorry if this is a  
18 silly question.

19 MS. STATZ: Not at all, not at all.

20 MS. GRAHAM: So I, I do understand that  
21 the Trials Division is all about, you know, the  
22 licenses and, to me, when there is an impact to a  
23 person's livelihood. So, to me, there is some  
24 sort of limi- limitation as to which type of

1 April 15, 2021

2 cases would go over. So I'm just wondering, will  
3 there be any -- I know Jorge just asked about  
4 criteria, but does it make sense to at least  
5 indicate such, meaning that, no, you don't have  
6 to have specific criteria. You want the OATH  
7 Hearing Officer to have discretion. But maybe at  
8 least limit it to cases that you guys agree, you  
9 know, there would be a person's livelihood or  
10 license on the line.

11 MS. STATZ: Well, you know, the thing  
12 is, we couldn't say that necessarily, because  
13 there are two ti-, two ways a person's license is  
14 on the line. There's the type of --

15 MS. GRAHAM: Mm-hmm.

16 MS. STATZ: -- case that goes to Trials,  
17 where it's a discretionary issue. For example,  
18 the person is about to lose their license because  
19 they've been charged with negligence or they've  
20 been charged with, with fraud or they have been,  
21 they've been alle-, they've been accused of, of  
22 doing something recklessly. Those types of,  
23 those types of all-, of assertions and  
24 allegations always go to Trials because they,

1 April 15, 2021

2 they really re- require a lot of deep parsing out  
3 and determining of intent and etcetera, etcetera.  
4 So those do not go to Hearings.

5 MS. GRAHAM: Right.

6 MS. STATZ: But there are some cases  
7 that affect livelihoods that are in Hearings.  
8 For example, if your license expires, right, it's  
9 cut and dry. It's either, you either have a li-,  
10 a, a good license or you don't have a good  
11 license. Those go to Hearings because it's just  
12 a matter of what day is today? On the day the  
13 guy was doing this, did he have a license? Or  
14 did he have the, the proper permit to do, to use  
15 this type of crane versus that type of crane?  
16 Those, those are things that the Hearing Officers  
17 can do, because they don't really require a lot  
18 of parsing and a lot of fine distinctions and a  
19 legal analysis. It's either, you know, you  
20 either had the paper or you didn't.

21 So liv-, so we couldn't make a cutoff  
22 for livelihood, because livelihood is affected  
23 both in Hearings and in Trials.

24 MS. GRAHAM: Got it.

1 April 15, 2021

2 MS. KLETTER: And also, Olga, Shamonda,  
3 it's worth pointing out that the Trials Division  
4 does a lot more than just the, the livelihood  
5 licensing type cases. They have a really full  
6 array of, of cases that they handle -- contracts,  
7 Loft Board, NYPD Krimstock.

8 MS. GRAHAM: Discipline.

9 MS. STATZ: Yeah, discipline.

10 MS. KLETTER: And discipline, yeah.

11 MS. GRAHAM: Gotcha. So, so it sounds  
12 to me like this is more about the Trials Division  
13 having the ability -- I mean they already had it,  
14 but basically making it so that it's a two-way  
15 street. I understand. And I'm fine with that.

16 MS. STATZ: Yes, a two-, that's, you got  
17 it. You hit it exactly. Because right now, the  
18 way it was written, it was a one-way street. We  
19 wanted to make sure that, you know, the authority  
20 was, was symmetrical.

21 MS. GRAHAM: Got it.

22 MS. STATZ: Anything else? Thank you so  
23 much.

24 MS. KNAUER: I'm just wondering -- oh,

1 April 15, 2021

2 sorry. I had --

3 [CROSSTALK] [09:35:59] [00:10:59]

4 MS. STATZ: No, please, go ahead.

5 MS. KNAUER: I, I'm just wondering if  
6 going to -- did this, did this arise out of  
7 somebody challenging the, the transfer of a  
8 matter? And, and does putting something in the  
9 Trials Division impose any additional burdens on  
10 the respondents that they wouldn't have in the  
11 Hearings Division for, you know, given the  
12 complexity of the case?

13 MS. STATZ: So, no, it wasn't  
14 challenged. What happens is that DCWP is  
15 expanding, which was DCA, is expanding its  
16 jurisdictions. And there are a lot more things  
17 now that they're going, that, that they have  
18 authority to do. And we're not exactly sure  
19 where those things are supposed to land, right,  
20 because we haven't seen those things in action,  
21 necessarily. So we need to have that flexibility  
22 to be able to put the proper case in the proper  
23 area. Now, with respect to an individual having  
24 higher, higher burden, no. It's a more formal

1 April 15, 2021

2 process, but the hearing, but the ALJs are  
3 trained in working with pro se litigants. And  
4 pro se litigants are treated in a very, in a  
5 fashion where they're basically ushered through  
6 the process. And this is, this is something  
7 that's required of both the hearing officers who  
8 work in Hearings and the ALJs. So wherever a pro  
9 se person lands, that person actually is guided  
10 and assisted in the process.

11 So although it's more formal, you know,  
12 you're in a real courtroom, you basically have  
13 the same protections.

14 MS. KNAUER: Okay. So they wouldn't be  
15 more likely to need to hire an attorney, for  
16 example? For, for a --

17 MS. STATZ: Oh, no. My, my position is  
18 that whenever you can have a lawyer, you get a  
19 lawyer. But, no, you don't have to hire. Your  
20 rights are on the line, you get a lawyer if you  
21 can afford a lawyer. That's my, that will always  
22 be my position. But it's not as if they're being  
23 thrown into a lion's den with no assistance and  
24 no guidance. The, the ALJs are very particular

1 April 15, 2021

2 about that.

3 And there is some movement -- it hasn't  
4 happened yet but there is some movement to see if  
5 we can get pro se -- not pro se, we can get pro  
6 bono attorneys to assist, because we have a pro  
7 bono counsel, we're doing some pro bono counsel  
8 work for the Hearings Division and there is some  
9 movement, it's in the beginning stages to have  
10 that available. But so I can't make a  
11 representation that that's the case. But there  
12 is, so there's, it's very focused on the rights  
13 of individuals who come without counsel. And  
14 they can also come with representatives. You can  
15 also appear with a representative at Trials. You  
16 don't have to have an attorney.

17 MS. KLETTER: Yeah, I've actually, since  
18 I came, arrived at OATH last year, one of my  
19 goals has been to expand the pro bono program for  
20 the Trials Division. Most of the disciplinary  
21 cases are union members who have representation,  
22 but there are a lot of TLC drivers who did not  
23 have representation. And it's actually  
24 interesting, because of the new marijuana

1 April 15, 2021

2 decriminalization law, that that's going to  
3 actually impact the Trials Division and there  
4 will be fewer cases because they were doing a lot  
5 of off-duty drug testing.

6 So it's actually -- yeah. But it's  
7 still something we're, we're pursuing and we're  
8 kind of looking at a lot of different avenues in  
9 terms of finding pro bono representation for  
10 drivers and others who appear without an attorney  
11 at the Trials Division, because most people do  
12 have an attorney at the Trials Division, which  
13 is, yeah, it's different than the Hearings  
14 Division.

15 Okay. If there are no other questions,  
16 I'm going to ask for a motion to approve the, the  
17 proposed rule.

18 MS. LIGUORI: Motion.

19 MS. KLETTER: Thank you. And, Joy, I'm  
20 going to ask you to call a vote.

21 MS. THOMPSON: Yes, we actually have a  
22 poll for this one. I understand that not  
23 everyone is able to vote with the poll. I will  
24 put it in the chat, so if you can have access.

1 April 15, 2021

2 And then I'll also call for a voice vote on those  
3 who are unable to, to, you know, use the poll.  
4 So, at this time, I am going to add the poll to  
5 the chat. The question is, do you -- oh, wait a  
6 minute.

7 I think I may have -- let me undo that.  
8 Please pardon me. I just entered the wrong poll  
9 in the chat. Sorry about that.

10 MS. KLETTER: No worries.

11 MS. THOMPSON: Technical issues. Okay.  
12 Oh, that's not it. That is very strange. Okay.

13 MS. KLETTER: You could just, people can  
14 put, you could just [unintelligible] [09:51:27]  
15 [00:16:27] and have people put yes or no, either  
16 that or abstain.

17 MS. THOMPSON: Yes, indeed. I'm going  
18 to actually just ask for, I'll just do this  
19 right. Any of those, could those who approve of  
20 the special rule, the, the proposed rule to give  
21 the Chief Administrative Law Judge the authority  
22 to transfer petitions between division, could you  
23 just let me know by saying yes or putting your  
24 hands up or just, I can go down the -- I'll go

1 April 15, 2021

2 down. Shamonda Graham?

3 MS. GRAHAM: No.

4 MS. THOMPSON: No. Joseph Gregory.

5 MR. GREGORY: Yes.

6 MS. THOMPSON: Commissioner Kletter?

7 MS. KLETTER: Yes.

8 MS. THOMPSON: Elizabeth Knauer.

9 MS. KNAUER: Yes.

10 MS. THOMPSON: Madelynn Liguori?

11 MS. LIGUORI: Yes.

12 MS. THOMPSON: Jorge Martinez?

13 MR. MARTINEZ: Yes.

14 MS. THOMPSON: Russell Pecunies?

15 MR. PECUNIES: Yes.

16 MS. THOMPSON: Thomas Shpetner?

17 MR. SHPETNER: Yes.

18 MS. THOMPSON: Matthew Smith? And I see  
19 you have your thumbs up. Douglas Swann?

20 MR. SWANN: Yes.

21 MS. THOMPSON: And Jarrod Whittington.

22 MR. WHITTINGTON: Yes.

23 MS. THOMPSON: Thank you. The motion  
24 carries with 10 in favor and 1 opposed.

1 April 15, 2021

2 MS. KLETTER: Okay, thank you. I'm  
3 going to ask Kelly Corso to introduce the pre-  
4 sealing reports.

5 KELLY CORSO, ESQ., ASSISTANT  
6 COMMISSIONER FOR HEARINGS DIVISION ADJUDICATIONS,  
7 OATH: Good morning, everyone.

8 MS. KLETTER: Oh, wait, I'm sorry. I'm  
9 sorry. We have one more proposed final rule, so  
10 we'll just go to that first, regarding  
11 immigration --

12 MS. CORSO: Okay.

13 MS. KLETTER: -- at OATH's tribunals.  
14 So I'll ask Olga to present that as well.

15 MS. STATZ: Hi, again. This is a rule  
16 that you're all familiar with. We went through  
17 the preliminary stages. First you approved it  
18 initially. You approved it again. And, now,  
19 this has been noticed for adoption. And so the  
20 City has approved it and we've had a public  
21 hearing. There's been, there were no comments  
22 and no opposition during the, the public hearing.  
23 And we would just like to present it to you one  
24 more time in order to give us your, your final

1 April 15, 2021

2 blessing on this particular rule. I'm happy to  
3 answer any questions you might have on it, on it  
4 again.

5 MS. KLETTER: You want to just summarize  
6 it again for people?

7 MS. STATZ: Yes, yes. This particular  
8 rule is intended to protect, to pro-, to protect  
9 im- immigrants from feeling a sense of harassment  
10 or embarrassment by having individuals bring up  
11 their, their status in the context of a case  
12 unnecessarily.

13 So this is, so that was, that's the  
14 intent behind this, to give OATH certain, a  
15 certain ability to, to issue protective orders,  
16 to, to limit certain discovery if it's not  
17 relevant to a particular case and it's being  
18 used, essentially, just to embarrass an  
19 individual.

20 So this, and this, this applies to both  
21 Trials and to Hearings. And that was the impetus  
22 behind it.

23 MS. KLETTER: Any questions? I'm going  
24 to ask for a motion to approve the final rule.

1 April 15, 2021

2 MS. LIGUORI: Motion.

3 MS. KLETTER: Thank you. Joy, can you  
4 do a roll call?

5 MS. THOMPSON: Yes, definitely. We're  
6 going to do another roll call. Okay. I'm going  
7 to start with Commissioner Kletter. And, again,  
8 this just, let me just state for the record, this  
9 is a motion to approve the final rule protecting  
10 the access of immigration status at OATH's  
11 tribunals. So we'll start with Joni,  
12 Commissioner Kletter.

13 MS. KLETTER: Yes.

14 MS. THOMPSON: Okay. Shamonda Graham?

15 MS. GRAHAM: Can you guys hear me? Yes.  
16 Yes.

17 MS. THOMPSON: Now we hear, now we hear  
18 you. Thank you. Joseph Gregory.

19 MR. GREGORY: Yes.

20 MS. THOMPSON: Elizabeth Knauer?

21 MS. KNAUER: Yes.

22 MS. THOMPSON: Madelynn Liguori?

23 MS. LIGUORI: Yes.

24 MS. THOMPSON: Jorge Martinez?

1 April 15, 2021

2 MR. MARTINEZ: Yes.

3 MS. THOMPSON: Russ Pecunies?

4 MR. PECUNIES: Yes.

5 MS. THOMPSON: Thomas Shpetner?

6 MR. SHPETNER: Yes.

7 MS. THOMPSON: Matthew Smith? Got you.

8 Thumbs up. Douglas Swann?

9 MR. SWANN: Yes.

10 MS. THOMPSON: Thank you. Jarrod

11 Whittington.

12 MR. WHITTINGTON: Yes.

13 MS. THOMPSON: Thank you so much. This

14 passes unanimously. Thank you, Commissioner.

15 MS. KLETTER: Okay, great. Thank you so

16 much. Okay, Kelly, you'll introduce pre-sealing

17 reports, please.

18 MS. CORSO: Good morning. This is Kelly

19 Corso, Assistant Commissioner for Adjudications

20 for the Hearings Division. And we have 13 pre-

21 sealing reports today for the Board. All of the

22 reports involve backflow cases. And in all of

23 them, the hearing officers have recommended no

24 sealing or other actions.

1 April 15, 2021

2 For 12 of them, the recommendations are  
3 based on the evidence that the respondents  
4 submitted at the hearings that showed that they  
5 had come into compliance. And for the remaining  
6 one, the recommendation was based on DEP's  
7 further investigation at the site of premises did  
8 not need a backflow device.

9 And that's it.

10 MS. KLETTER: Questions? I'm going to  
11 ask for a motion to approve.

12 MS. LIGUORI: Motion.

13 MS. KNAUER: Motion.

14 MS. KLETTER: Joy, you want to call for  
15 a vote?

16 MS. THOMPSON: Yes, I -- yes,  
17 Commissioner. And in this particular case, I'm  
18 going to start out, again, the motion on the  
19 floor is whether to approve the recommendations  
20 regarding the 13 pre-sealing reports. I'm going  
21 to actually ask if there are any objections to  
22 the approval of these pre-sealing reports. Just,  
23 if you could speak up or indi- indicate. Okay.

24 MS. KNAUER: Oh, no.

1 April 15, 2021

2 MS. THOMPSON: Very good. Okay. I see  
3 no objections. Accordingly, the motion passes.  
4 Thank you.

5 MS. KLETTER: Thank you. I'm going to  
6 ask for a motion now to go into executive session  
7 to discuss some new decisions in the cases listed  
8 in the judicial report.

9 MR. GREGORY: Motion.

10 MS. KLETTER: Thank you.

11 PETER SCHULMAN, ESQ., ASSISTANT DIRECTOR  
12 FOR APPEALS, OATH: Could I just ask the person  
13 who called in from 9174, ending in 85, can you  
14 identify yourself?

15 THOMAS SOUTHWICK, ESQ., SUPERVISING  
16 ATTORNEY FOR APPEALS, OATH: It's Tom Southwick.

17 MR. SCHULMAN: Oh, okay, thank you.  
18 Okay. So anybody who is not employed by OATH,  
19 you can either disconnect or, if you want to come  
20 back after the Executive Session, I will put you  
21 into a waiting room and, and then come back. If  
22 you want to disconnect, do that now. Otherwise,  
23 I'm going to put you into a waiting room.

24 [OFF THE RECORD]

1 April 15, 2021

2 [ON THE RECORD]

3 MS. KLETTER: Okay. And does the Board  
4 have any additional questions? Future panel  
5 meetings, as you all know, will be divided into  
6 A.M. and P.M. sessions with different Board  
7 members for lighter packages of draft decisions.

8 I also want to announce the date for the  
9 next Board meeting, which is June 10, 2021. And  
10 some of us will be in person for that meeting  
11 back at the office at 100 Church. And you should  
12 let us know. I would encourage you to let Joy  
13 and Peter know your preference in terms of  
14 whether you want to continue appearing remotely  
15 for these Board meetings or want to join us in  
16 person. So you don't have to answer right now,  
17 but just send them an e-mail and let them know so  
18 we can plan accordingly.

19 I'm going to ask for a motion to adjourn  
20 the meeting.

21 MS. LIGUORI: Motion.

22 MS. KLETTER: Okay. The meeting is  
23 adjourned. Thank you all so much.

24 MR. MARTINEZ: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

April 15, 2021

MS. STATZ: Thank you.

MS. LIGUORI: Thank you.

MS. THOMPSON: Bye.

MS. CORSO: Bye.

(The board meeting concluded at 10:13

A.M.)

Environmental Control Board, 4/15/2021

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of Board Meeting of the Environmental Control Board on April 15, 2021, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



---

Date: April 30, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018