

**CORRECTED**

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

BOARD MEETING

Office of Administrative Trials and Hearings  
OATH Multi-Purpose Training Room  
100 Church Street, 12th Floor, New York, New York

August 1, 2024.

09:38 AM to 10:37 AM

## MEMBERS PRESENT:

**Asim Rehman, Esq. - Commissioner/Chief Administrative Law  
 Judge, OATH, Chair/Executive Director, OATH ECB**  
**Joseph Gregory, Esq. - New York City Fire Department (FDNY)**  
**Scott Higgins, Esq. - NYPD Legal (in place of Matthew Smith,  
 NYPD)**  
**Elizabeth Knauer, Esq. - Appointed Member (Water)**  
**Madelynn Liguori, Esq. - Department of Sanitation (DSNY)**  
**Russell Pecunies, Esq. - Department of Environmental  
 Protection (DEP)**  
**Douglas Swann - Appointed Member (Air)**  
**Lisa Urban - Public Member**  
**Jarrold Whittington - Appointed Member (Noise)**

## ALSO PRESENT:

Rachel Amar, Senior Advisor to the Commissioner, OATH  
 Sola Best, Esq. - Assistant General Counsel, OATH  
 Kelly Corso, Esq. - Assistant Commissioner/Hearings  
 Division  
 Adjudications, OATH  
 Nicole Diep - Intern, DEP  
 Diana Haines, Esq. - Assistant General Counsel, OATH  
 Madeline Halimi, Esq. - Parliamentarian, Assistant  
 General Counsel, OATH  
 Gabriela Hasay - Intern, DEP  
 Karin McAvoy - Administrative Coordinator, OATH  
 Amanda Moore - Intern, DEP  
 Frank Ng - Deputy General Counsel, OATH  
 James O'Donnell - Intern, DEP  
 Peter Schulman, Esq. - Deputy Commissioner, Appeals, OATH  
 Frances Shine - Secretary to the Board, OATH  
 Thomas D. Shpetner, Esq. - Appointed Member (Business)  
 [virtually]  
 Thomas Southwick - Assistant Commissioner, Appeals, OATH

1 (The board meeting commenced at 9:38 a.m.)

2 COMMISSIONER ASIM REHMAN: Good morning, everyone.

3 Commissioner Asim Rehman of the OATH, and I'm calling our  
4 August 1st, 2024, ECB meeting to order. Thank you all for  
5 being here. Those in person and those on the screen, hope  
6 you're all having a good day. Counsel, will you please  
7 conduct roll call to verify quorum?

8 COUNSEL: Yes. Commissioner Asim Rehman.

9 COMMISSIONER ASIM REHMAN: Present.

10 COUNSEL: Shamonda Graham. Joseph Gregory.

11 MR. JOSEPH GREGORY: Present.

12 COUNSEL: Elizabeth Knauer.

13 MS. ELIZABETH KNAUER: Present.

14 COUNSEL: Madelynn Liguori.

15 MS. MADELYNN LIGUORI: Present.

16 COUNSEL: Russell Pecunies.

17 MR. RUSSELL PECUNIES: Present.

18 COUNSEL: Harminderpal Rana. Matthew Schneid. Thomas  
19 Shpetner.

20 MR. THOMAS D. SHPETNER: Spectator today.

21 COUNSEL: Okay. Matthew Smith. Scott Higgins

22 [unintelligible 00:00:47], Douglas Swann. Is LisaUrban here?  
23 Jarrod Whittington.

24 MR. JARROD WHITTINGTON: Present.

25 COMMISSIONER ASIM REHMAN: [unintelligible 00:00:56]

1 COUNSEL: We have a quorum, 8 out of 13.

2 COMMISSIONER ASIM REHMAN: Excellent. First order of  
3 business of the minutes of June 13th, 2024, meeting. Does  
4 anyone have any questions regarding the minutes? We can have  
5 a motion and a second to adopt the minutes. We have a motion  
6 and a second.

7 ?MS. ELIZABETH KNAUER: Second.

8 COMMISSIONER ASIM REHMAN: Thank you very much. We have  
9 a vote, I believe, for the minutes.

10 COUNSEL: Are there any objections to the motion  
11 adopting the minutes of the June 13th, 2024, ECB meeting?

12 MS. ELIZABETH KNAUER: No objection, but I do need to  
13 recuse myself because I wasn't present for the meeting.

14 COUNSEL: One recusal.

15 MR. JOSEPH GREGORY: I need to recuse myself as well.

16 ?MS. Lisa Urban MADELYNN LIGUORI: And me, I wasn't  
[unintelligible]

17 00:01:47]

18 COUNSEL: Seeing no objections, hearing no objections,  
19 the motion is approved unanimously.

20 COMMISSIONER ASIM REHMAN: Counsel, for the roll call,  
21 you have Douglas Swann and Ms. Lisa Urban.

22 COUNSEL: Yes. Mr. Swann and Ms. Urban.

23 COMMISSIONER ASIM REHMAN: Perfect. Minutes adopted.  
24 We'll now move on to pre-sealing reports with the Acting  
25 Deputy Commissioner Kelly Corso of the Hearings Division.

1 Kelly, the floor is yours.

2 MS. KELLY CORSO: Hi, everyone. Kelly Corso here. We  
3 have three pre-sealing reports today for the board. One of  
4 them involves an Air Code violation. It was for an  
5 unpermitted boiler. At the hearing, the respondent presented  
6 evidence showing that the boiler has actually been now  
7 removed from the premises. DEP recommended that no further  
8 action on this case, and the hearing officer had agreed with  
9 DEP.

10 The hearing officer's recommendation for the Air Code  
11 violation case is no further action for the C&D order. The  
12 other two reports pertain to noise code violations. One is  
13 for a kitchen exhaust system, and the other for an air  
14 conditioning unit. At both hearings, the respondents showed  
15 that they had done work on the units to bring them into  
16 compliance with the noise code, and DEP verified that  
17 compliance.

18 Based on respondents' compliance, the hearing officers  
19 for those cases recommended that there be no sealing or other  
20 action, provided that the initial re-inspections of the  
21 equipment show no violations, and that further re-inspections  
22 of the equipment show no violations for a period of 180 days.  
23 That is it.

24 COMMISSIONER ASIM REHMAN: Thank you, Kelly. Any  
25 questions for Kelly? Kelly, for purposes of the record, can

1           you identify the three cases?

2                   MS. KELLY CORSO: Sure. I just have to pull them up. One  
3           second.

4                   [pause 00:03:59]

5                   MS. KELLY CORSO: They are Commissioner v. Orange Grove  
6           Ventures LLC, which is C&D number A20220002. That's the first  
7           one. The next one is Commissioner v. 753 Classon Avenue  
8           Housing Corps, C&D number A20230001. The final one is  
9           Commissioner v. Lot-Less NYC, Inc., and the cease and desist  
10          number for that one is A20230006.

11                  COMMISSIONER ASIM REHMAN: Thank you. Can I have a  
12          motion and a second to approve the report? I see a motion. I  
13          see a second. Can we have a vote, please?

14                  COUNSEL: Are there any objections to the motion  
15          approving the pre-sealing reports? Seeing none, hearing none,  
16          the motion is approved unanimously.

17                  COMMISSIONER ASIM REHMAN: Great. Thank you everyone.  
18          Kelly, thank you.

19                  MS. KELLY CORSO: Thank you.

20                  COMMISSIONER ASIM REHMAN: We're now going to move to a  
21          presentation by Russell Pecunies of DEP regarding the phase-  
22          out of No. 4 fuel oil. I believe there's a slide deck that  
23          will be presented on the screen.

24                  MR. RUSSELL PECUNIES: Did you forward it around or--?

25                  COMMISSIONER ASIM REHMAN: I did not. [unintelligible]

1 00:05:37]

2 MR. RUSSELL PECUNIES: Oh, it's fine. I've got hard  
3 copies that going to hand out.

4 COMMISSIONER ASIM REHMAN: Great. Thank you.

5 MR. RUSSELL PECUNIES: Pass around, anyway.

6 [pause 00:05:46]

7 MR. RUSSELL PECUNIES: [unintelligible 00:05:56]

8 [pause 00:05:57]

9 MR. RUSSELL PECUNIES: I thought I made more copies of  
10 this. It's up on the screen. Good morning, everyone. As those  
11 of you who were at the last meeting, and they were four, we  
12 had 10 cease and desist requests at the last board meeting  
13 pertaining to buildings that have Air Code permits from DEP  
14 to use No. 4 fuel oil.

15 The purpose of this briefing which is an amended  
16 version of a briefing that we actually gave 10 years ago to  
17 the board on No. 6 fuel oil, when that was being phased out,  
18 is to just walk through what's going on, why we're doing  
19 this, and then we can proceed to 15 more cease and desist  
20 requests that we're making.

21 Basically, the scenario, again, for those who were not  
22 at the last meeting, is that these are buildings that have  
23 permits for their boilers to burn No. 4 fuel oil. The City  
24 Council, as we'll go through in here, had originally said  
25 that you could have a permit to burn No. 4 until 2030.

1       However, last year, they amended that so that they said that  
2       you could no longer have a permit to burn No. 4 beyond July  
3       1st of 2027.

4               Since the permits are good for three years, and we are  
5       now past July 1st of 2024, no one can now renew a permit to  
6       use No. 4 fuel oil because the end date of that permit would  
7       go beyond July 1st of '27. What we're trying to do is now do  
8       enforcement on all of the buildings that have expired permits  
9       to use No. 4 fuel oil in order to compel them to renew the  
10      permits, which in order to do that, they will have to switch  
11      to either natural gas if they can get a hookup from Con Ed,  
12      and they want to go that way, or No. 2 fuel oil.

13             If we just take a look at the first slide, which just  
14      is the statutory history of this, the Air Code was amended in  
15      2011 to provide that all new permits can only be for natural  
16      gas or No. 2 fuel oil. Existing permits for 4 or 6 could  
17      continue to be renewed. The following year, the code was  
18      amended to prohibit renewals of No. 6. It was at that time  
19      that we

20             brought a fairly large number of cease and desist  
21      requests before the board; I think turned out to be about 100  
22      or 150 altogether to get people with expired permits to burn  
23      No. 6 to renew their permits. In order to comply, what most  
24      of those people did was convert from 6 to 4, because that was  
25      the cheapest thing to do.



1           As we'll see in a minute, there is an equipment related  
2 difference between using six and four. In July of 2015,  
3 everybody was required to get off six. Then in January 1st of  
4 2030 was the date that was set, as I mentioned, to get off  
5 four. However, last year, Local Law 32 was passed, and that  
6 moved the date up to July 1st of 27. It moved it up by two  
7 and a half years.

8           The next slide is basically sort of the, I think,  
9 Wikipedia definitions of what these different types of fuel  
10 oil mean. Basically, when they take crude oil and they refine  
11 it, they have byproducts as they make different products out  
12 of it, gasoline, kerosene, aviation fuel, et cetera. No. 6  
13 fuel oil is the last thing that's left after they make  
14 everything else out of crude oil. Because it is basically  
15 extremely thick, if you turn the bottle of it upside down,  
16 nothing would happen. It wouldn't move. In order to use No. 6  
17 in a boiler, you had to heat it first. Boilers that use No. 6  
18 had a heater installed to heat it before it went into the  
19 boiler so that it would flow.

20           In order to convert from 6 to 4, people had to remove  
21 the heater so that there was a more substantial expense in  
22 converting from 6 to 4. They also had to clean out the tanks,  
23 which for buildings that had been using No. 6 oil for years  
24 and years and decades involved, in many cases, actually  
25 having to replace the tank because in a lot of cases, all

1 that was holding the tank together was pretty much the  
2 residue inside the tank. To convert now from 4 to 2, in many  
3 cases, should be much simpler and less expensive because you  
4 won't have to change the equipment at all. You will have to  
5 clean the tank, but it shouldn't be anything like the project  
6 involved when you were converting from six, which was just  
7 this gunk. These are basically just the definitions.

8           You can see No. 2 fuel oil is-- If you have home  
9 heating oil for your house, that's No. 2 oil. As we'll see,  
10 as you go from grade to grade to grade, it becomes  
11 tremendously less polluting to burn each of these grades.

12           The next slide, the bullet is just a quote from Council  
13 Member Gennaro, who was the chair of the Environmental  
14 Protection Committee in the council about why they did the  
15 Local Law last year to advance the date by two and a half  
16 years, because they just felt that to allow buildings to  
17 continue to use this No. 4 oil for two and a half more years  
18 was just in view of the effort that the city is making to cut  
19 back on fossil fuels in general, to respond to climate  
20 change. To allow this highly polluting fuel to continue to be  
21 used for an additional two and a half years was just  
22 something that they reconsidered and decided to move it up by  
23 two and a half years.

24           The photo below, which would be better if it had been  
25 printed out in color, but it's in color up there. That's just

1 bottles of different grades of fuel oil. You can see that,  
2 although they're not labeled by which grade they are, the  
3 lighter ones-- I think the lightest colored one is No. 2.  
4 That the darker ones, that 4 to 6 are included in those  
5 samples. Again, it's just a matter of, during the refining  
6 process that the four and the six have so much more impurity  
7 in them that they look dark brown or black. Once you refine  
8 it down to No. 2, it becomes a much lighter color and you can  
9 see through it. It also will burn much cleaner, which is what  
10 the next slide represents. This slide basically represents  
11 several important pollutants, particulate matter, nitrogen  
12 oxide, sulfur dioxide, and carbon monoxide and CO2.

13 It shows that you basically, the tonnage of what's  
14 being released, which is the top line, how much it reduces  
15 when you change from 6 to 4 and then from 6 to 2. You can see  
16 the difference from 4 to 2 would be the difference between  
17 the second line and the third line. Getting people off of  
18 these fuels represents substantial reductions in all of these  
19 pollutants, and the levels of all of these pollutants in the  
20 neighborhoods that had a lot of No. 6 boilers noticeably and  
21 substantially were reduced 10 years ago when we required  
22 people to get off of No. 6. We expect those levels to go down  
23 substantially again as we require people to get off of No. 4  
24 over the next three years.

25 The next slide is a slide about the different types of

1 pollution that are caused by burning these fuels, and the  
2 fact that particular particulate matter, and there've been a  
3 lot of news stories lately about studies that are being done  
4 about all of the bad things that can result from exposure to  
5 very small particles. Getting people off of No. 4 and onto  
6 No. 2 and natural gas will help reduce all of these  
7 conditions.

8 I think in the quote from Gennaro, he actually  
9 mentioned some of the things that-- although without specific  
10 numbers, about how much this will help in reducing not only  
11 deaths, but respiratory illnesses, asthma attacks, et cetera.  
12 That's actually the next slide, which then talks about some  
13 of the illnesses and that can be caused by this type of  
14 pollution. Also, the number of excess deaths that are caused  
15 by particulate matter and that reducing these levels can  
16 result in hundreds of fewer deaths.

17 That's some of the background as to why we're doing  
18 what we're doing. Then the next slide just simply shows that  
19 as of July, there are about 2,700 buildings that still have  
20 permits to use No. 4 fuel oil, about 2,100 of them are  
21 current and those will have to convert to 2 or natural gas as  
22 those permits expire over the next three years.

23 The other 579 that have expired permits, we are in  
24 various stages of issuing summonses to for having expired  
25 permits. Over the next three years, those buildings within

1 that cohort of 579 that do not come into compliance as a  
2 result of being repeatedly summonsed will then have cease and  
3 desist requests before the board to compel them to renew the  
4 certificate, which will again compel them to get off of No.  
5 4.

6 The last slide shows the city with the black dots  
7 representing the locations of these No. 4 buildings. As you  
8 can see, there are a scattering of them across Queens,  
9 Brooklyn, and Staten Island, but the vast majority of them  
10 are in Manhattan and the Bronx. This was very similar with  
11 No. 6. Again, a lot of these buildings are buildings that  
12 complied with the No. 6 phase out by switching to 4. Again,  
13 the No. 6 ones were disproportionately in Manhattan and the  
14 Bronx, and now the No. 4 ones are, again, disproportionately  
15 in Manhattan and the Bronx.

16 Any questions on the PowerPoint?

17 COMMISSIONER ASIM REHMAN: Peter, we can take down the  
18 screen. Any questions for Russ? Russ, thank you very much.  
19 This is very informative and helpful context. I have a  
20 question, and that is, since the DEP EP knows there's about  
2700  
21 CBOs that are tied to that particular fuel that eventually  
22 will have to be changed over time, I'm just curious if  
23 there's any sort of public information campaign to reach out  
24 to those various holders who might have a valid permit as of  
25 today, but in two years from now or one year from now, the

1 permit might expire so they can get a head start on doing  
2 what the law requires.

3 MR. RUSSELL PECUNIES: Yes, the Bureau of Environmental  
4 Compliance is outreaching to all of them in advance of their  
5 expiration dates to let them know that their permit cannot be  
6 renewed on 4 and that they will have to convert to 2 or  
7 natural gas to get it renewed. Again, converting to natural  
8 gas depends on Edison; being able to get a Con Ed hookup, and  
9 there are a lot of issues involved with that, and it depends  
10 on what part of the city you're in and a lot of other  
11 factors.

12 I think probably most of these will wind up converting  
13 to 2 because it doesn't require any cooperation or any  
14 interfacing with Con Ed. You can continue to use your current  
15 oil supplier; they'll just be delivering a different grade of  
16 fuel. Again, unlike from 6 to 4, there are no equipment  
17 changes required. It'll just be a matter of cleaning out the  
18 tank and then you can just start using two. It's a relatively  
19 simple process. We suspect that that's what the overwhelming  
20 majority of them will do. Yes, in advance of their expiration  
21 dates, the building owners are being reached out to.

22 COMMISSIONER ASIM REHMAN: Great. Any other questions?  
23 Just one note, it's nothing but a suggestion. DEP can take it  
24 for what it's worth. What you just outlined is very helpful.  
25 The fact that folks will be getting outreach from DEP

1 regarding the need for them to do this change. If a  
2 particular entity does not do the change and the agency is  
3 interested in seeking a cease and desist or other action from  
4 the board, in addition to including the summons in the  
5 packet, it might be helpful to conclude a line saying on such  
6 and such date, they were also notified that this change would  
7 take place and that they had an opportunity. It would just, I  
8 think, make for a stronger package to show that not only was  
9 there summons, but there was advance notice so that no one  
10 was caught by surprise.

11 MR. RUSSELL PECUNIES: Yes, I agree. I will talk to them  
12 about that.

13 COMMISSIONER ASIM REHMAN: Yes, I understand it's an  
14 additional work to put each of that intent, but it's just a  
15 suggestion.

16 MR. RUSSELL PECUNIES: Yes. I haven't seen what the  
17 information packet that they're giving them is, but I'm sure  
18 that that can be added to it.

19 COMMISSIONER ASIM REHMAN: Great. Thank you.

20 All right. Then what we can do is we can proceed to the  
21 review of the 10 cease and desist orders that DEP has on the  
22 table for today.

23 MR. RUSSELL PECUNIES: 15.

24 COMMISSIONER ASIM REHMAN: Oh, 15, I'm sorry.

25 MR. RUSSELL PECUNIES: Last time was 10, today is 15.

1           COMMISSIONER ASIM REHMAN: What I'd like to suggest as a  
2 matter of proceeding is that Russ goes through them  
3 individually. If there's any questions on individual items,  
4 we can raise those questions on a one-by-one basis, but then  
5 we'll do a vote on the entirety. If any issues come up on  
6 individual ones, we can take them out. After he goes through,  
7 if you have any general questions that are not about  
8 individual cases, but are about the writ large process, we  
9 can discuss that as well, but then we can move them through  
10 in a single vote. Does that work for everyone? Any concerns?

11           MR. RUSSELL PECUNIES: All right. At the last meeting, a  
12 question was raised, I forget by who, as to whether the board  
13 could be informed as to what these buildings are, what  
14 they're used for. Just in terms of the 10 that were approved  
15 at the last meeting, one of them is used as a boys & girls  
~~boys-girls'~~  
16 club, and the rest of them are apartment buildings, which is  
17 not probably surprising that most of these are going to be  
18 apartment buildings. In this packet, one of them, and  
19 unsurprisingly, it's the one for St. Francis of Assisi Roman  
20 Catholic Church, is a church building. The other 14 are  
21 residential. Oh, I'm sorry, that's right, there are two.  
22 You're right. Well, actually, no.

23           The one for the congregation, Beth Elohim, it is an  
24 apartment building that is apparently owned by the  
25 congregation. I did actually specifically look that one up



1 online because one of our interns checked it and said it was  
2 residential. I'm like, "That doesn't seem residential." I  
3 looked it up, and it is an apartment building adjacent to the  
4 synagogue that is apparently owned by the congregation.

5 COMMISSIONER ASIM REHMAN: Okay, great. Let's proceed.  
6 Thank you.

7 MR. RUSSELL PECUNIES: By the way, with regard to these  
8 15 packets and the PowerPoint, I just want to thank one of my  
9 interns, Amanda Moore, who did a lot of work putting these  
10 requests together and also on the PowerPoint. Thank you,  
11 Amanda.

12 Again, with regard to all 15 of these, these are all  
13 buildings that have expired permits to use No. 4 fuel oil.  
14 They have all been issued between two and four summonses for  
15 having an expired certificate. They are all still not in  
16 compliance with the requirement to renew the certificate. On  
17 the history page, the second page of each of these requests,  
18 in addition to showing the violations that they've been  
19 issued and the details related to those, is also the date on  
20 which the permit has been expired since. You will see that  
21 some of these have been expired for decades. We don't know  
22 really exactly what's going on with some of these buildings  
23 and why boilers usually don't last that long. There's one in  
24 here that I think the permit's been expired since 1988.

25 We don't know whether that boiler is even still there.

1 Maybe they just replaced the boiler and never told us. In  
2 order to come into compliance, obviously, they will have to  
3 get a current certificate of operation for whatever their  
4 current equipment is to use No. 2 for natural gas. In  
5 addition to getting people off No. 4, this is a way of also  
6 cleaning up a very small number of buildings that have really  
7 been delinquent for a long time in terms of renewing their  
8 permits. If there are any general or individual questions  
9 about any of these.

10 MS. ELIZABETH KNAUER: I apologize, this might have been  
11 discussed at the last meeting, so I apologize if it's  
12 redundant. Just as a practical matter, in terms of-- I'm  
13 trying to think about, if a cease and desist order is issued,  
14 then now, as opposed to just having to actually renew their  
15 permit or do whatever they would have had to do in the past  
16 to renew their permit, these buildings are now faced with  
17 changing their equipment in some way. Would the cease and  
18 desist order mean that immediately their equipment can no  
19 longer be used and therefore they are scrambling to, I guess,  
20 get a temporary boiler?

21 MR. RUSSELL PECUNIES: A cease and desist order will  
22 require them to appear at a hearing in front of an OATH  
23 hearing officer, and how long they get-- If they don't appear  
24 and they default on the cease and desist order, then the  
25 order gives us the authority to seal the equipment with.

1 Assuming that they appear for the hearing, then it will be up  
2 to the hearing officer how long they get to come into  
3 compliance. They'll have to explain to the hearing officer  
4 what they're doing in order to come into compliance. It'll be  
5 up to the hearing officer to decide whether they get three  
6 months or whether they get two months to report back on what  
7 they're doing. Once it becomes a cease and desist hearing,  
8 that's basically becomes controlled by the hearing officer.

9 MS. ELIZABETH KNAUER: There's discretion of the hearing  
10 officer to give them enough time to actually [crosstalk]--

11 MR. RUSSELL PECUNIES: Cease and desist hearings are, I  
12 would say, more often than not adjourned at least once in  
13 order for them to come into compliance. What we would expect  
14 them to show the first time they show up for a cease and  
15 desist order is that they recognize that they must do this  
16 and they've started to do something. That they've hired  
17 somebody, that they-- Assuming that they appear and they make  
18 some a showing that they're being responsive to this and that  
19 they're going to come into compliance, we would never have an  
20 objection to it being to reasonable adjournments in order for  
21 them to complete the process of doing it.

22 MS. ELIZABETH KNAUER: If they were proposing, for  
23 example, to do something more intrusive or that will take a  
24 longer time, but would actually achieve a lower emissions  
25 result for their building, will you expect that the hearing

1 officer would use their discretion to allow for that?

2 MR. RUSSELL PECUNIES: If they come into the hearing and  
3 they show that they've reached out to Con Ed and they're in  
4 the process, the Bureau of Environmental Compliance will  
5 know-- I don't specifically know, but they'll know how long  
6 natural gas hookups are taking these days. We would give them  
7 an appropriate adjournment or series of adjournments if they  
8 decide that they want to hook up to natural gas in order for  
9 them to do that. [crosstalk] We would want to encourage  
10 people to hook up to gas. If that's the way they want to go,  
11 we would give them time to do that. I don't know what that  
12 time frame is running these days, but I'm sure our AIR folks  
13 know.

14 MS. ELIZABETH KNAUER: Thank you.

15 COMMISSIONER ASIM REHMAN: Those questions were not  
16 asked in that level of detail. That was very helpful to know  
17 how that would play out. Thank you, Elizabeth. Any other  
18 questions? Okay. If you wouldn't mind, Russ, just now that  
19 you explained the documents in a similar form that they take,  
20 just listing out the 15 properties and we'll--

21 MR. RUSSELL PECUNIES: [crosstalk] name and address?

22 COMMISSIONER ASIM REHMAN: Yes.

23 MR. RUSSELL PECUNIES: Okay. The 15 properties for which  
24 cease and desist orders are being requested are St. Francis  
25 of Assisi Roman Catholic Church at 4300 Baychester Avenue in

1 the Bronx. 4554 Park Avenue Housing Development at 4554 Park  
2 Avenue in the Bronx. 4535 Park Avenue Realty Corp at 4535  
3 Park Avenue in the Bronx. FTG Realty Corp at 3750 Bronx  
4 Boulevard in the Bronx. 1840-1850 Phelan LLC at 1850 Phelan  
5 Place in the Bronx. 1412 Zerega LLC at 1418 Zerega Avenue in  
6 the  
7 Bronx. Afsoon Holdings LLC at 1115 College Avenue in the  
8 Bronx. East 319 Holdings at 319 East 197th Street in the  
9 Bronx. Congregation Beth Elohim at 155 8th Avenue in  
10 Brooklyn. 102 East 31st Street LLC at 102 East 31st Street in  
11 Manhattan. At Kit Tzing Lee Kaun Realty at 101 Lafayette  
12 Street in Manhattan. Reciprocity Realty, LLC, at 66 West Gun Hill  
13 Road in the Bronx. HEO Holding Corp at 55 East 179th Street  
14 in the Bronx. H&A Management LLC at 37 Featherbed Lane in the  
15 Bronx. Dino Realty Corp at 2522 Steinway Street in Queens.

16 COMMISSIONER ASIM REHMAN: Could I have a motion to move  
17 to a vote on the DEP's 15 requests to orders on cease and  
18 desist? We have a motion and we have a second. Please call a  
19 vote.

19 COUNSEL: Are there any objections to the motion  
20 approving the 15 cease and desist orders? Seeing none,  
21 hearing none, the motion is approved unanimously.

22 MR. RUSSELL PECUNIES: All right. Thank you, everyone.

23 COMMISSIONER ASIM REHMAN: All right. Thank you for the  
24 thorough review, Russ. We will discuss the next group at the

25           next meeting. Okay. I'd like to ask for a motion and a second

1 to go into executive session. We have a motion; we have a  
2 second. Thank you.

3 COUNSEL: Are there any objections to the motion to go  
4 into executive session? Seeing none, hearing none, the motion  
5 is approved unanimously.

6 COMMISSIONER ASIM REHMAN: Okay. We'll head into  
7 executive session and if--

8 ?MR. JOSEPH GREGORY: [unintelligible 00:38:15] or is it  
9 recording?

10 COMMISSIONER ASIM REHMAN: Yes. Oh, I'm sorry. Can we  
11 return to executive session? I made a mistake. Okay. Thank  
12 you. Apologies again for that technicality. Are there any  
13 further questions or discussions or matters to discuss aside  
14 from selecting our next meeting date? Okay. For our next  
15 meeting date, which will be in October, we'd like to suggest  
16 either October 3 or October 10. How does that work for folks?

17 ?MS. LISA URBAN: The third is Rosh Hashanah.

18 COMMISSIONER ASIM REHMAN: Oh, okay. That makes that  
19 easy. Is the 10th an available date for folks? Thank you.

20 MS. LISA URBAN: Thanks.

21 MR. JARROD WHITTINGTON: I might actually be leaving  
22 town that day.

23 COMMISSIONER ASIM REHMAN: Anyone else have any concerns  
24 with the 10th?

25 ?MR. JOSEPH GREGORY: No issues.

1           COMMISSIONER ASIM REHMAN: Sorry, Jarrod. Let's put the  
2           10th down as our next meeting date. All right. I'd like to  
3           ask for a motion and a second to adjourn the meeting. A  
4           motion and a second we have. Okay.

5           COUNSEL: Are there any objections to the motion to  
6           adjourn the meeting? Seeing none, hearing none, the motion is  
7           approved unanimously.

8           COMMISSIONER ASIM REHMAN: Okay. Thank you very much.  
9           Adjourning today's August 1st, 2024, ECB meeting. I look  
10          forward to seeing you all on the 10th of October. Thank you  
11          very much. We can stop the recording.

12          (The board meeting concluded at 10:37 a.m.)


**REVIEWED BY OATH  
GENERAL COUNSEL OFFICE  
ON 8/23/24**



## CERTIFICATE OF ACCURACY

I, Gladys Gist, certify that the foregoing transcript of Board Meeting on August 1, 2024 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

**Certified By:**

  
Gladys Gist (August 19, 2024 6:02 EST)

**Date:** August 19, 2024

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

**Reviewed By:**

  
Ayesha Sikder (August 19, 2024 6:15 EST)

**Date:** August 19, 2024

**Accurate Communication Inc.  
85 Broad Street,  
New York, NY 10004**

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