

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 7, 2025

MEMBERS PRESENT:

Asim Rehman, Esq. - Chairperson; Commissioner & Chief
Administrative Law Judge (OATH)
Shamonda Graham - 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)
Harminderpal Rana, 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)
Diana Haines, Esq. - Deputy General Counsel (OATH)
Madeline Halimi, Esq. - Parliamentarian; Assistant General
Counsel (OATH)
Kailey Homoky - Summer Intern (DEP)
Tara Kim - Legal Intern (DOB)
Diamond McAllister - Summer Intern (DEP)
Karin McAvoy - Administrative Coordinator (OATH)
Raphael Nahon - Summer Intern (DEP)
Annika Naramreddy - Summer Intern (DEP)
Cindy Nesbit, Esq. - Assistant General Counsel (OATH)
Frank Ng, Esq. - General Counsel (OATH)
Laura Quaigraine-Kamaru, Esq. - Assistant General Counsel
(OATH)
Harley Ruscio - Summer Intern (DEP)
Peter Schulman, Esq. - Deputy Commissioner, Appeals (OATH)
Frances Shine - Secretary to the Board (OATH)

COMMISSIONER ASIM REHMAN: Good morning, everyone. We are here at the August 7th, 2025, Environmental Control Board meeting. Thank you all for being present. I'd like to call the meeting to order and ask our Parliamentarian to conduct a roll call.

ASSISTANT GENERAL COUNSEL MADELINE HALIMI: Good morning. Commissioner Asim Rehman?

COMMISSIONER ASIM REHMAN: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Shamonda Graham?

MS. SHAMONDA GRAHAM: 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? Harminderpal Rana?

MR. HARMINDERPAL RANA: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Matthew Schneid?

MR. MATTHEW SCHNEID: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Scott Higgins?

MR. SCOTT HIGGINS: Present.

ASSISTANT GENERAL COUNSEL HALIMI: 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 quorum 10 out of 12.

COMMISSIONER ASIM REHMAN: Thank you so much. First order of business is the adoption of the June 12th ECB board meeting minutes. Do I have a motion to adopt the minutes? Okay, I hear a motion. A second? Not seeing any--

MR. DOUGLAS SWANN: Abstain.

COMMISSIONER ASIM REHMAN: One abstention?

MS. MADELYNN LIGUORI: I abstain as well.

COMMISSIONER ASIM REHMAN: Two abstentions. Any corrections? Sounds like. Okay. Can we have a vote to adopt the minutes?

ASSISTANT GENERAL COUNSEL HALIMI: Are there any objections to the motion to adopt the minutes of the June 12th, 2025, ECB meeting? Noting the two abstentions and seeing no objections, hearing none, the motion is approved unanimously.

COMMISSIONER ASIM REHMAN: Thank you. Okay. We will move ahead to a pre-sealing report presentation by Hearings Division Deputy Commissioner Kelly Corso. Kelly, go ahead.

MS. KELLY CORSO: Hello, everyone. Can you hear me?

COMMISSIONER ASIM REHMAN: Yes.

MS. KELLY CORSO: Great. We only have one pre-sealing report for the board today. It revolves around a noise case. The respondent brought in evidence to show that the cooling tower, which was the subject of the case, had been fixed so that the noise was now in compliance with the code. The DEP recommended no further action on this, and JHO agreed with DEP's recommendation and has recommended that no sealing be done on this, provided that the cooling tower remains in compliance. That's it.

COMMISSIONER ASIM REHMAN: Great. The details, Kelly suggests that there'll be a reinspection at a certain date, as well as a penalty imposed. Is that correct?

MS. KELLY CORSO: Correct.

COMMISSIONER ASIM REHMAN: Okay. Are there any questions for Kelly? Okay. Can I have a motion to approve the pre-sealing report? Motion. A second? We have a second.

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: Great. Thank you.

MS. KELLY CORSO: Thanks, everyone.

COMMISSIONER ASIM REHMAN: All right. Can I ask for a motion to go into executive session? All right. Thank you, Joseph. A second? Madelynn.

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: Okay. We are done with executive session. I think we have some guests waiting outside that we can bring in. Madeline or someone could grab the sign-in sheet. Hi, folks. We have a sign-in sheet. If you could please fill that out. Thank you. Next on our agenda, we are moving to DEP's request for cease-and-desist orders. Russ, the floor is yours.

MR. RUSSELL PECUNIES: All right. Thank you. Russell Pecunies, with DEP Legal. For this meeting, DEP

has one request for a cease-and-desist order. The respondent on this is Kit Tzing Lee Kuan Realty, 101 Lafayette Street in Manhattan. This is a mixed-use sort of building with storefronts and then apartments above. The building has a boiler that requires registration with DEP. The registration has been expired for a really long time and is for the use of number four fuel oil, which is no longer permitted in terms of new registrations, new permits being issued, or renewed. They have to get back into compliance. When they get their new permit, it will have to be to use number two fuel oil.

We cited them for the expired registration in August of 2023. Just right about two years ago. They came in in October and stipulated. They still did not renew the permit. They were cited again in January of 2024. They appeared in July by a rep who denied the violation but offered no defense, so they were found in violation. As they have still not renewed the permit, they have now been cited for a third time last month, with an initial hearing date in September. Due to the repeated violations and continuing failure to come into compliance, DEP is requesting that the Board issue an order to cease and desist.

COMMISSIONER ASIM REHMAN: Thank you. Russ, what's the relationship between this type of case and

earlier this year and late last year, they waved
[crosstalk]

MR. RUSSELL PECUNIES: There's a whole bunch of them that we brought. It's the same fact pattern, except this one wasn't included in that original batch of like 40. I'm not sure why, because we did actually have some in that batch of 40 that had only two summonses issued instead of three. For some reason, they didn't include it, and they decided to issue a third summons on this one. It is the same fact pattern. Old registration been expired for a long time. It's for number four. They can't renew it anymore for number four. They have to renew it for two. That's why we're looking for the cease and desist.

COMMISSIONER ASIM REHMAN: Right. If I recall correctly, as you took us through those series of cases several months ago, the department took several steps to ensure that buildings were on notice about the requirement to make these changes.

MR. RUSSELL PECUNIES: Right. That's been done. Of course, on this one, they did respond to both of the violations that were issued, so the building is certainly aware of the requirement. Then, in the one where they showed up in last July, from the decision, the rep didn't appear to have anything to say except that they denied it and had no defense.

COMMISSIONER ASIM REHMAN: Okay. Any questions?
Yes, Shamonda.

MS. SHAMONDA GRAHAM: One question. When a respondent stipulates, regardless of whether it's this type of case or another, does their penalty and everything revert back to the higher penalty? Meaning there is actually a penalty for--

MR. RUSSELL PECUNIES: For air cases, non-asbestos cases, the penalty for a stipulation is the same as the penalty as if the judge finds them in violation. There's no reduction.

MS. SHAMONDA GRAHAM: Okay.

COMMISSIONER ASIM REHMAN: Go ahead.

MS. LISA URBAN: Oh. They're still operating on number four at this point, oil. Is that right?

MR. RUSSELL PECUNIES: Presumably, they're still using number four.

MS. LISA URBAN: In order for them not to be in violation at this point, they have to use two?

MR. RUSSELL PECUNIES: They will have to convert to two. Unless it's a rare situation, based on my current understanding, a rare situation where they could still get a gas hookup from ConEd. Otherwise, it would have to be to number two.

MS. LISA URBAN: Why would it be a rare

situation?

MR. RUSSELL PECUNIES: I think that with all of the issues now about gas, that ConEd has stopped building out that system to hook up buildings to gas. I don't know. I was told that you could still request it from ConEd, and I don't know whether you would get it.

MS. LISA URBAN: Thank you.

MR. MATTHEW SCHNEID: Am I right to understand that their application expired in 1992, like 30 years ago? What happened in the ensuing--

MR. RUSSELL PECUNIES: Yes. A lot of the ones from the batch of 40 that we did a few meetings back were expired for that long.

MR. MATTHEW SCHNEID: What happened in the ensuing 30 years? Just no one noticed? I'm not being--

MR. RUSSELL PECUNIES: I don't know.

MS. LISA URBAN: They got left.

MR. RUSSELL PECUNIES: I don't know.

MR. MATTHEW SCHNEID: A long time.

MR. RUSSELL PECUNIES: I get emails from the bureau, saying this is a good cease and desist candidate, and that's when you guys see them. Why it went from 1992 to 2023 before they issued a summons, I think that basically what they're doing is they're going through the database and trying to clean up all the number fours.

MR. MATTHEW SCHNEID: Right. Okay, that makes sense.

MR. RUSSELL PECUNIES: That's what's going on because there are thousands and thousands and thousands of these registrations. I think that they're just trying to clean up the ones that still say number four in the fuel column on the spreadsheet.

MR. DOUGLAS SWANN: How big is the building? Do you know? How large is the actual building we're talking about?

MR. RUSSELL PECUNIES: The building appears to be, from the photo at the end, about a dozen floors, it looks like.

MS. LISA URBAN: Oh, wow.

MR. RUSSELL PECUNIES: About 12 floors.

MR. DOUGLAS SWANN: It's big.

COMMISSIONER ASIM REHMAN: You said mixed use could have residential?

MR. RUSSELL PECUNIES: There seem to be these storefronts on the ground, and then above, I think we looked it up, and it seemed to be rental apartments.

COMMISSIONER ASIM REHMAN: Any other questions? Okay. I'd like to ask for a motion for approval of the cease-and-desist request. I see a motion. Second? All

right. This is with respect to the respondent Kit Tzing Lee Kuan Realty cease and desist order request from DEP.

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.

COMMISSIONER ASIM REHMAN: Okay. Thank you, Russ.

MR. RUSSELL PECUNIES: You're welcome.

COMMISSIONER ASIM REHMAN: All right. Any other further questions or business from anyone?

MR. RUSSELL PECUNIES: There's supposed to be a pre-sealing report on the agenda today.

COMMISSIONER ASIM REHMAN: Yes, we went through the pre-sealing report.

MR. RUSSELL PECUNIES: Did the pre-sealing. Okay.

COMMISSIONER ASIM REHMAN: We did the pre-sealing report.

MR. RUSSELL PECUNIES: Just wanted to make sure that that's the one that the council member's office, that [unintelligible 00:12:00] office is very concerned about.

COMMISSIONER ASIM REHMAN: The--

MR. RUSSELL PECUNIES: The report.

COMMISSIONER ASIM REHMAN: Okay. Any other comments? All right. We're going to discuss dates for the next meeting. The proposed dates are in October, the 9th

or the 16th. Any concerns or preferences?

MS. LISA URBAN: I am just probably not going to be able to be here. My daughter's expecting a baby, and she lives out-

COMMISSIONER ASIM REHMAN: Oh, nice.

MS. LISA URBAN: -in Portland, Maine. She's due on the 3rd, so I probably won't be here in October. Aside from that--

MR. MATTHEW SCHNEID: I'm unavailable on the 9th. The 16th would be better for me.

COMMISSIONER ASIM REHMAN: Okay.

MR. HARMINDERPAL RANA: Oh, the 2nd is Yom Kippur.

COMMISSIONER ASIM REHMAN: Yes, we move it there. Does anyone have any concerns with the 16th? The 16th down is our date, and we wish your family the best, Lisa.

MS. LISA URBAN: Thank you.

COMMISSIONER ASIM REHMAN: If you get bored and want to just come in by video, of course, we can make room for the child.

[laughter]

MS. SHAMONDA GRAHAM: We have a new board member.

MS. LISA URBAN: You might have to have the mother with me if you want that.

COMMISSIONER ASIM REHMAN: Okay. All right. Just

want to, again, make sure that all of our members and guests have signed the attendance sheet. Please don't forget to do so before you leave. I'd like to ask for a motion and a second to adjourn the meeting. Okay, I see a motion. A second?

ASSISTANT GENERAL COUNSEL HALIMI: Are there any objections to the motion to adjourn the meeting? Seeing none, hearing none, the motion is approved unanimously.

COMMISSIONER ASIM REHMAN: Okay. Well, we're now in the middle of vacation season, so if any of you are traveling, I wish you well. For those of you who are staying local, New York City is great in the summer because everyone leaves.

[laughter]

MR. JARROD WHITTINGTON: Emptier restaurant.

COMMISSIONER ASIM REHMAN: Suddenly, there's empty restaurants and parking spaces, things like that, but don't idle. I hope you all enjoy the rest of the summer, and we'll see you all in October. Thank you very much. Meeting adjourned.

MS. LISA URBAN: Thank you.

[00:14:08] [END OF AUDIO]

**Reviewed and
corrected
by OATH Office of
the
General Counsel
8/18/25**



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