

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

October 16, 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)
Elizabeth Knauer, Esq. - Appointed Member (Water)
Madelynn Liguori, Esq. - Department of Sanitation (DSNY)
Russell Pecunies, Esq. - Department of Environmental Protection (DEP)
Elisabeth Mayer, Esq. - Department of Health & Mental Hygiene (DOHMH)
Matthew Smith, Esq. - New York City Police Department (NYPD)
Douglas Swann - Appointed Member (Air)
Lisa Urban, Esq. - Appointed Member (General) [remote]
Jarrod Whittington - Appointed Member (Noise)

ALSO PRESENT:

Rachel Amar - Senior Advisor to the Commissioner (OATH)
[remote]
Cindy Chen - Office of Management & Budget (OMB) [remote]
Kelly Corso, Esq. - Deputy Commissioner, Hearings Division (OATH) [remote]
Leon Dawson, Esq. - Assistant General Counsel (OATH)
[remote]
Amber Gonzalez, Esq. - Hearing Officer, Appeals Division (OATH) [remote]
Diana Haines, Esq. - Deputy General Counsel (OATH)
[remote]
Madeline Halimi, Esq. - Parliamentarian; Assistant General Counsel (OATH)
Arlene Jobe - Administrative Staff Deputy Supervisor, Appeals Division (OATH)
Karin McAvoy - Administrative Coordinator (OATH) [remote]
Cindy Nesbit, Esq. - Assistant General Counsel (OATH)
Frank Ng, Esq. - General Counsel (OATH)
Laura Quaigraine-Kamaru, Esq. - Assistant General Counsel (OATH) [remote]
Thomas Southwick, Esq. - Assistant Commissioner, Appeals Division (OATH) [remote]

COMMISSIONER ASIM REHMAN: Got it. Thank you. Thank you. All right. Good morning, everyone. It is just about 10:00 AM, and we're opening the October 16th meeting of the Environmental Control Board. We apologize to everyone for the delay. The delayed start due to some security and technical issues, but we are here and ready to go. I'd like to ask for a roll call.

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

MR. 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?

MS. ELIZABETH KNAUER: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Madelynn Liguori?

MS. MADELYNN LIQUORI: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Russell Pecunies?

MR. RUSSELL PECUNIES: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Elisabeth Mayer?

MS. ELISABETH MAYER: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Welcome. Matthew Schneid? I think he's on the remote.

COMMISSIONER ASIM REHMAN: He wouldn't be - count as present.

ASSISTANT GENERAL COUNSEL HALIMI: He wouldn't count for quorum.

COMMISSIONER ASIM REHMAN: Yes.

ASSISTANT GENERAL COUNSEL HALIMI: Matthew Smith?

MR. MATTHEW SMITH: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Douglas Swann?

MR. DOUGLAS SWANN: Present.

ASSISTANT GENERAL COUNSEL HALIMI: Lisa Urban? Jarrod Whittington?

MR. JARROD WHITTINGTON: Present.

ASSISTANT GENERAL COUNSEL HALIMI: We have quorum. 10 out of 12.

COMMISSIONER ASIM REHMAN: Great. Thank you very much. First order of business is the minutes of the August 7th, 2025, ECB meeting. Does anyone have any corrections to the minutes? Okay. Could we have a motion and a second to adopt the minutes?

MS. MADELYNN LIGUORI: Motion.

COMMISSIONER ASIM REHMAN: The motion, and the second? Thank you.

ASSISTANT GENERAL COUNSEL HALIMI: Are there any objections to the motion adopting the minutes of the August 7th, 2025, ECB meeting?

MS. ELIZABETH KNAUER: I just need to abstain because I wasn't there for it.

COMMISSIONER ASIM REHMAN: Okay, thank you, Elizabeth.

ASSISTANT GENERAL COUNSEL HALIMI: Seeing no objections, and hearing none, the motion is approved.

COMMISSIONER ASIM REHMAN: Great. Wonderful. We'll now turn it over to Russell Pecunies, DEP, for requests for cease-and-desist orders.

MR. RUSSELL PECUNIES: Thank you. Before the requests, just an update on one of the ones that was approved earlier this year. Those who were at that meeting, which I think was June, will remember the cease desist order that was approved for a chicken coop. Nothing has been going on because the chickens have not been there but I was asked yesterday to forward a copy of the cease and desist order because apparently the chickens are back and DEP inspectors are going up there today with the Health Department and the police department to check out what's going on. We'll see what happens.

MS. SHAMONDA GRAHAM: A question.

MR. RUSSELL PECUNIES: Yes.

MS. SHAMONDA GRAHAM: Any word of the rooster?

MR. RUSSELL PECUNIES: Hm?

MS. SHAMONDA GRAHAM: The rooster, because remember the rooster was the true problem.

MR. RUSSELL PECUNIES: Yes. We don't know what's been going on except that 311s have started off again about the noise. If the noise is from the roosters, one would assume then that roosters are included in the chickens that are back. All I was told was, "Can we please get another copy of the order? Because we're going up there with the police and the Health Department tomorrow and there's 311s about chickens again. That's all I know.

COMMISSIONER ASIM REHMAN: Thank you, Russ.

MR. RUSSELL PECUNIES: On the four new ones for today. First, please disregard the one for Cupcakes by Brenda Grill Corp., 51 Lincoln Road, Brooklyn. An inspection earlier this week shows that they are now in full compliance, so we are no longer requesting a cease-and-desist order on that one. On the other sewer-related one, this is V-I-W-S-N-Y Merrick, LLC at 126-14 Merrick Boulevard in Queens.

This is a Wingstop in a strip mall on Merrick Boulevard. An inspection on this was originally conducted

way back in August of 2022, which resulted in a commissioner's order being issued prohibiting them from discharging and requiring them to provide access to and to open the grease trap for inspection. The respondent failed to comply with that order, and in January of 2024, a summons was issued for failing to comply with the order. In July, it was observed that oil had been discharged again to the street in violation of the order, so a second summons was issued in November. They again did not comply with the order requiring opening of the grease traps for inspection, and still did not have the appropriate equipment to do that, so yet another summons was issued. In June of this year, the same thing over again and again, evidence that oil and grease was on the sidewalk and in the street. Yet another summons was issued, and then finally in August, a couple of months ago, a final summons was issued.

Based on the repeated summonses over the last two years, and the continuing failure to comply with the order and the continuing evidence that there is oil and grease on the sidewalk and in the street because of their failure to comply with the order, DEP is requesting that the board issue an order to cease and desist.

COMMISSIONER ASIM REHMAN: Thanks, Russ. Any

questions?

MS. SHAMONDA GRAHAM: Shamonda Graham, Department of Buildings. The respondent here is the owner of the premise, the strip mall premise?

MR. RUSSELL PECUNIES: I believe that's correct. I actually didn't ask them if the respondent is the owner of the Wingstop or the owner of the strip mall. Normally, with restaurants, they would issue to the restaurant owner because the grease trap is presumably theirs. There's a nail salon next door. I could find out if you really want me to, but I guess I would retract the original answer that it's the owner of the strip mall. Usually, it would be the owner of the actual establishment.

MS. SHAMONDA GRAHAM: Good. Because that's what I'm concerned about. I just feel that the owner of the establishment is probably the person.

MR. RUSSELL PECUNIES: Yes, because the grease trap would be located in their establishment and not anywhere else in the strip.

MS. SHAMONDA GRAHAM: That's how we have a compliance.

COMMISSIONER ASIM REHMAN: Russ, this is just a clarification or informational question. Respondent did not open its grease interceptors for inspection, did not have the proper tools to do so. Did that mean an inspector

showed up and they said, "I'm not able to do this," or, "We're not letting you in" type of scenario?

MR. RUSSELL PECUNIES: To my knowledge, there wasn't a refusal, but those would have been in-person inspections.

COMMISSIONER ASIM REHMAN: Got it. We can do these one by one since they're each different. Could I have a motion to approve the request for a cease-and-desist order for the V-I-W-S-N-Y Merrick LLC? A second? If you would, please?

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: Russ.

MR. RUSSELL PECUNIES: Thank you. The second one, we'll do the air one. The air one is 16 Cypress Avenue Realty LLC at 476 Jefferson St. in Brooklyn. I took a photo of it from the internet, which is the last page. It's not exactly clear to me from that photograph what this is being used for, but it does not appear to be residential. The situation here is that the respondent has a very large boiler and burner combination for this building. I believe that it's--

Here is the size. Got that somewhere. [silence]

I thought I had it on the descriptions on the summonses, but it is a very large boiler that requires a certificate of operation, not a registration. They have an expired permit. The U is number four, fuel oil. As we did a whole bunch of them at previous meetings, one can no longer renew a certificate of operation to use number four fuel oil. The expired certificate of operation can now only be renewed if they switch to number two, or natural gas, if that were a possibility. They have been cited in 2023, and in 2024, with the expired permits.

They showed up at both hearings, a Mr. Burnbaum (phonetic), who claimed that the boiler is not being used. The issue is not whether it's being used under the air code, the issue is whether it's capable of being used. This boiler is still capable of being used. It has not been disconnected and permanently disabled in accordance with the requirements of the code, so they are still in violation for the expired permit on this boiler. They were most recently cited on August 20th, with a hearing date coming up in a couple of weeks, for the third summons.

Based on the fact that they've already been found in violation twice, and that issuing further summons won't really accomplish anything, DEP is asking the board to issue an order of cease and desist.

COMMISSIONER ASIM REHMAN: Russ, if the boiler is

not in use, but not disconnected, what would a cease and desist do?

MR. RUSSELL PECUNIES: It would require them to either get a valid certificate for the boiler or to permanently disable it so that a permit was no longer required. Right now, this is just sitting there as an expired certificate.

COMMISSIONER ASIM REHMAN: Okay, but it could force the-

MR. RUSSELL PECUNIES: Force the issue.

COMMISSIONER ASIM REHMAN: -force the issue in them decommissioning it because they--?

MR. RUSSELL PECUNIES: Either decommission or renew.

COMMISSIONER ASIM REHMAN: Okay. Got it.
Elizabeth?

MS. ELIZABETH KNAUER: It sounds like they've been showing up to the hearing, but let's say they didn't provide a valid defense, then, in terms of the sealing, that would just be of this boiler, right? So, if they actually were operating a different--?

MR. RUSSELL PECUNIES: It's specific to this piece of equipment. Presumably, they're providing heat and hot water to these buildings in some other way.

MS. ELIZABETH KNAUER: Maybe, I mean.

MR. RUSSELL PECUNIES: Yes.

MS. ELIZABETH KNAUER: But in any event, if they were, and there were any tenants that were relying on heat and hot water provided by a separate boiler--

MR. RUSSELL PECUNIES: The cease and desist would be specific to this piece of equipment that's this Rockmills MP 4133. It's specific to that equipment that has the expired permit.

COMMISSIONER ASIM REHMAN: All right. Any other questions? Can we have a motion to adopt the request for order to cease and desist regarding 16 Cypress Avenue Realty LLC? Motion. A second? Take a vote, please.

ASSISTANT GENERAL COUNSEL HALIMI: Are there any objections to the motion of approving the cease-and-desist order? Seeing none, hearing none, the motion is approved unanimously.

MR. RUSSELL PECUNIES: All right. Thank you. The last one is for Namkeenz at 338 Bedford Avenue in Brooklyn. Namkeenz is a restaurant that apparently specializes, if you go to their website, in a Pakistani take on chicken and waffles, fried chicken, spicy fried chicken. They have been cited on four occasions, twice in 2022 and twice in 2024. Most recently in September, but with the hearing just having taken place at the end of August on the last summons for excessive noise from the kitchen exhaust. Each

of the hearings, it's pretty much been the same thing. I believe the same gentleman, Mohammad Chaudhary (phonetic), has showed up and said that they corrected it.

In fact, on at least one of them, they even got a zero penalty because our representative at the hearing accepted that they corrected it. But we keep getting complaints, and it keeps turning out that they haven't corrected it. Based on the repeated nature of the violations and the fact that they were just in front of a judge in August, saying that they corrected it, and it's still not corrected, DEP is asking the board to issue an order to cease and desist.

COMMISSIONER ASIM REHMAN: Any questions? Okay. Can we have a motion to approve DEP's request for an order to cease and desist on NamKeenz LLC? The motion? A second?

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. RUSSELL PECUNIES: All right. Thank you very much.

COMMISSIONER ASIM REHMAN: Thank you, Russ. I'll now ask for a motion and a second to go into executive session. Motion and a second. Thank you.

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: Could the Webex coordinator let us know when recording is paused?

SYSTEM VOICE: This meeting is being recorded.

COMMISSIONER ASIM REHMAN: We're back in public session.

MS. KARIN MCAVOY: All right. We're recording.

COMMISSIONER ASIM REHMAN: Does anyone else have any other business? Okay. Let's look at dates for an upcoming meeting. For our December meeting. Last meeting of the calendar year.

COMMISSIONER ASIM REHMAN: 4th or the 11th. This December 4th or December 11th. Does anyone have any particular concerns?

MS. LISA URBAN: It's Lisa calling. Yes, I'm on vacation on the 4th.

MS. SHAMONDA GRAHAM: Me too.

COMMISSIONER ASIM REHMAN: 4th is no good for Shamonda and for Lisa. How would be 11th for folks?

MS. LISA URBAN: Oh, wait. I'm sorry. I'm actually on vacation the 11th, not the 4th. Sorry.

COMMISSIONER ASIM REHMAN: Got it. We have one out on the 11th and one out on the 4th. Does anyone else have any conflict, issues for the 11th or the 4th? MR.

DOUGLAS SWANN: I may be out on the 11th, but I'm not sure yet.

MS. MADELYNN LIGUORI: I can't do the 11th, either.

COMMISSIONER ASIM REHMAN: Then let's--

MS. SHAMONDA GRAHAM: I can do the 4th. I can send a replacement.

COMMISSIONER ASIM REHMAN: That sounds great. Thank you, Shamonda. Let's schedule our next meeting for the 4th of December. Has everyone signed our attendance list? Good. Let me just take a moment before we close for some quick housekeeping. Once again, let me apologize to everyone who arrived on time but had some complications with security. That's on us. We want to make sure everyone who's on time is led into the room. Thank you for your patience with that. Also, to the members and to the public, we started late today due to some technical issues. Again, our apologies for that. We strive to make sure all our meetings are on time. Thank you for bearing with us.

Next, we're happy to welcome to the board Elisabeth Mayer, who comes to us from the Department of

Health. She's going to be our new representative. We're 16

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excited to have you with us. You've got big shoes to fill with Harminderpal Rana, who's been a fantastic colleague. Is there anything you'd like to say to introduce yourself?

MS. ELISABETH MAYER: Just happy to be here and looking forward to working with you all. Yes, I definitely have some big shoes to fill to be at the department. I'm very sad. Happy for Raj that he's moving on and having a chance to retire, but obviously, we'll all miss him very much, as I'm sure.

COMMISSIONER ASIM REHMAN: Thank you, Elisabeth. Can I have a motion to adjourn the meeting? A second? Thank you.

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: Meeting is adjourned. Amber, we can seize recording.

[00:22:49] [END OF AUDIO]

**Reviewed and
corrected
by OATH Office of
the
General Counsel
10/30/25**



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Gladys S. Gist

Dated: **10/28/2025**

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