Minutes of the March 30, 2022
Board Meeting of
The NYS Industrial Board of Appeals

CALL TO ORDER
The regularly scheduled meeting of the Industrial Board of Appeals was held on March 30, 2022, by video conference. The Board’s Chairperson, Molly Doherty, called the meeting to order at 10:08 a.m.

ATTENDANCE
Molly Doherty, Chairperson
Michael A. Arcuri, Member
Patricia Kakalec, Member
Najah Farley, Member
Sandra Abeles, Member
Benjamin A. Shaw, Counsel
Matthew D. Robinson-Loffler, Associate Counsel
Jane M. Ipanaque, Administrative Assistant

MINUTES
On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the minutes of the previous meeting held on February 9, 2022, were approved.

REPORTS
The monthly report reflecting activity for February 2022, was reviewed, and discussed.

<table>
<thead>
<tr>
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<th>February</th>
<th>Year to Date</th>
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<tbody>
<tr>
<td></td>
<td>2022</td>
<td>2021</td>
</tr>
<tr>
<td>New Proceedings Commenced:</td>
<td>8</td>
<td>15</td>
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<tr>
<td>Section 101 - Review Petitions</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Section 27-A - Public Employer Safety</td>
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<td>1</td>
</tr>
<tr>
<td>Section 104 - Corporate Documents</td>
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<td>3</td>
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<tr>
<td>Stay Applications</td>
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<td>0</td>
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<tr>
<td>Hearing Held:</td>
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<td>9</td>
</tr>
<tr>
<td>Video Hearings</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Hearings Scheduled/Not Held:</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Administratively Closed:</td>
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<td>2</td>
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<tr>
<td>Board Resolutions:</td>
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<td>9</td>
</tr>
<tr>
<td>Cases Closed:</td>
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<td>9</td>
</tr>
<tr>
<td>Section 101</td>
<td>0</td>
<td>8</td>
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<tr>
<td>Section 27-A</td>
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<tr>
<td>Section 104</td>
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<td>Section WB</td>
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In quasi-judicial deliberation
On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:14 a.m.

CONSIDERATION OF RESOLUTIONS & DELIBERATION

Section 101:

Docket No. Name
PR 19-081 Jeremy Ogorek
PR 19-134 Ganem X. Elbasel and Global Design #1 Inc.
PR 19-153 Kennedy Peralta Peraltaduran aka Kennedy Peralta and Yokaira Solano aka ‘Suly’ and La Placita Washington Heights Corp. T/A La Placita
PR 20-003 Djene African Hair Braiding Center and Djene Souko
PR 20-018 John P. Goutos, M.D. and Oleg Olshanetskiy, D.O.
PR 20-019 John D. Dellorso, M.D. and Thomas D. Kelliher, Esq.
PR 20-034 Maria E. Guallpa aka Maria Lema T/A Tacos Picantes Rancheros Inc.
PR 20-042 Yris A. Arnaud aka Iris Sanchez and El Viejo Gran Café Corp. T/A El Viejo Gran Caffe
PR 20-055r Wei Song aka Wei Zhong
PR 20-082 Mehmet Alkurt and Sweet House LLC T/A Antepli Baklava
PR 21-010 Jane Nugent and Family Care Health Nurse Practitioner, P.C.
PR 21-056r Julie Atti Rogers aka Julie A. Atti
PR 21-142 Carmelo J. Cataudella

Except for Docket number PR 20-003, on motion by Mr. Arcuri, duly seconded by Ms. Abeles, and unanimously carried, the remaining Resolutions of Decision under Section 101 were adopted. The decision for docket number PR 20-003 was removed for further review and deliberation.

Section 104:

Docket No. Name
CI 22-001 Taxi Association of The City of Newburgh Inc.
CI 22-002 Union Paving & Construction Co. Inc. (Union Paving & Construction NJ)

On motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the Resolutions of Approval under Section 104 were adopted.

DISCUSSION

The Board discussed the following topic:

A. New Rules - 12 NYCRR Part 65 of the Industrial Board of Appeals, Rules of Procedure & Practice
   - In effect March 30, 2022

B. Labor Law section 218 – civil penalties

C. Open Meetings Law
Out of quasi-judicial deliberation
On motion by Ms. Abeles, duly seconded by Mr. Arcuri, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:04 a.m.

UPCOMING BOARD MEETING DATES AND LOCATIONS
Wednesday, May 18, 2022, Board Meeting at 10:00 a.m., via Zoom
Wednesday, July 13, 2022, Board Meeting at 10:00 a.m., via Zoom
Wednesday, September 21, 2022, Board Meeting at 10:00 a.m., via Zoom
Wednesday, November 9, 2022, Board Meeting at 10:00 a.m., via Zoom
Wednesday, January 11, 2023, Board Meeting at 10:00 a.m., via Zoom

ADJOURNMENT
There being no further business, upon motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 11:11 a.m.