

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

BOARD MEETING

Training Room 143, 12th Floor  
100 Church Street, New York, New York

January 28, 2016

9:21 A.M. to 10:05 A.M.

January 28, 2016

MEMBERS PRESENT:

Lt. Dan Albano, Esq. - Police Department  
 Robert Carver, Esq. - Citizen Member  
 Fidel F. Del Valle, Esq. - Chair, OATH  
 Ernest J. Cavallo - Citizen Member  
 Shamonda Graham - Department of Buildings  
 Joseph Gregory, Esq. - Fire Department  
 Elizabeth Knauer, Esq. - Citizen Member  
 Madelynn Liguori, Esq. - Department of Sanitation  
 Jorge Martinez, Esq. - Dept. of Health and Mental Hygiene  
**Russell Pecunies, Esq. - Dept. of Environmental Protection**  
 Thomas D. Shpetner - Citizen Member

ALSO PRESENT:

Frances Shine - Secretary to the Board, OATH/ECB  
 Ronald Abraham - Managing Attorney, OATH/TVH  
 Rachel Amar - Special Assistant to the Commissioner, OATH  
 Helaine Balsam, Esq. - Deputy General Counsel, OATH  
 Denis Brogan - Assistant General Counsel, OATH  
**Kelly Corso, Esq. - Assist. Director of Adjudications, ECB**  
 Fana Garrick - Public Affairs Assistant, OATH  
 David Goldin, Esq. - Administrative Justice Coordinator,  
 Mayor's Office  
 Diana Haines - Assistant General Counsel, OATH/GC  
 Theresa Hassler - Mayor's Office of Administration  
 Vivienne Kahng - Staff Attorney, Appeals, OATH/ECB  
 Nancy Lin - Office of Management & Budget  
 Vincent P. Maniscalco - Fire Department  
 Carol Moran - Deputy Commissioner, OATH/H&R Hearings  
 Denise Ortega - IT Support, OATH  
 Antonia Pereira - Dept. of Environmental Protection  
 Tynia Richards - Dept. Commissioner, General Counsel  
 Doris Stewart - Department of Transportation  
 Peter Schulman, Esq. - Deputy Supervising Attorney,  
 Appeals, OATH/ECB  
**Amy Slifka, Esq. - Deputy Commissioner, OATH ECB**  
 Thomas Southwick, Esq. - Supervising Attorney, Appeals,  
 ECB  
 Harry Vee - Assist. Commissioner, OATH/H&R Hearings  
 Richard Zeitler, Jr. - Executive Agency Counsel,  
 OATH/H&R Hearings

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2 (The Board Meeting commenced at 9:21  
3 A.M.)

4 MR. FIDEL DEL VALLE, ESQ., CHAIRPERSON,  
5 COMMISSIONER & CHIEF ADMINISTRATIVE LAW JUDGE,  
6 OATH: Let's get started. And I'll basically  
7 update you guys on current events before we get  
8 into some of the substantive stuff on the agenda  
9 and give some of the folks who may be trapped  
10 underground a chance to get in in the meantime.  
11 I'll be brief.

12 As you probably noticed, we have a  
13 revised agenda. That's because of there  
14 apparently had been some confusion as to some  
15 proposed rulemaking, not only relating to ECB but  
16 to two or three other agencies. We are ready to  
17 proceed; that is ECB/OATH is ready to proceed on  
18 its agenda. But things are getting confused with  
19 two other agencies and that issue is being dealt  
20 with and going to be resolved as I say at a  
21 higher pay grade than anybody in here. It may  
22 necessitate calling an extra meeting of the Board  
23 within a couple of weeks to deal with that. So  
24 details at 11:00, when I get the details.

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2 And on something that doesn't really  
3 directly impact us yet at least, as you probably  
4 heard on Monday there was a hearing at the City  
5 Council relating to transferring large number of  
6 cases that currently go to criminal court to  
7 OATH, and OATH tribunal in particular. That did  
8 not come particularly as a surprise because it's  
9 been in and out of the Press for almost the last  
10 year. It would have been nice if they had us more  
11 involved in the discussions, since we're the ones  
12 who are going to be dealing with it. But we've  
13 done hearing some numbers ranging from 200 to  
14 300,000 more summonses coming to OATH for  
15 adjudication in one fashion or another.

16 The surprise and certainly to me that  
17 popped up was the concept of not so much that we  
18 could have as a potential penalty or whatever you  
19 want to call it of community service; but that  
20 the idea of lots of Council Members and some  
21 folks in the Administration that we would monitor  
22 community service stuff.

23 LT. DAN ALBANO, ESQ., POLICE DEPARTMENT:

24 Oh, boy.

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2 MR. DEL VALLE: Yeah, my sentiments  
3 exactly. Adjudication stuff is what we do. So  
4 that would be if we get 200,000 more summonses,  
5 we basically would have to for the most part just  
6 get bigger and do what we already do on a larger  
7 scale. The community service monitoring stuff and  
8 the creepy part of that for me is that I started  
9 my professional career working in the Probation  
10 Department and this is like: I got to create a  
11 Probation Department? That's going to be an  
12 interesting challenge.

13 In fact, tomorrow I'm going to the Red  
14 Hook Community Court, Criminal Court in Red Hook  
15 to see how they deal with that stuff there. I'm  
16 assuming that we're going to wind up eventually  
17 with that stuff too and figuring out how to do  
18 it. And the budget numbers and stuff that we had  
19 crunched a little bit to figure out what the cost  
20 would be to do the additional hearings didn't  
21 even conceive of us monitoring community service  
22 stuff. So that's going to be fun.

23 I envision that the earliest we'll see  
24 any of this stuff on the ground as it were will

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2 probably be about a year-and-a-half from now.  
3 Because I can almost guarantee that there'll be a  
4 lot of debate about this legislation. This  
5 legislation won't go through any time rapidly I  
6 don't think, even though the Council is really  
7 hot to go on it and they've reached an agreement  
8 with the Administration. They still require a  
9 fair amount of time for us to ramp up to deal  
10 with it, figure out exactly who goes on first and  
11 who goes on second. Getting computer systems that  
12 never spoke to each other talking to each other.  
13 Tracking and all of that business that makes the  
14 IT people's heads explode. So that's where that  
15 piece is at.

16 And when I know more, I'll let you guys  
17 know. But I'm sure somebody's maybe asking you  
18 questions about that or maybe asking you  
19 questions about that and in the coming months as  
20 the debate goes on. I think it didn't get as much  
21 notoriety as it would have otherwise, simply  
22 because Mother Nature had more exciting things  
23 for people to think about, trying to exhume  
24 themselves from 30-some odd inches of snow. But

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2 the papers will soon start focusing on it once  
3 the snow melts and Mr. Trump doesn't say  
4 something outrageous that they'll have fun  
5 talking about in the Press.

6 That said, I guess everybody who's going  
7 to get here is here. Is there a motion to adopt  
8 the minutes of the last meeting? And they are  
9 adopted. Thank you very much. I'm going to ask  
10 Deputy Commissioner Slifka to give us her  
11 presentation of last quarter.

12 MS. AMY SLIFKA, ESQ., DEPUTY  
13 COMMISSIONER, OATH/ECB: Okay. It looks like  
14 there are lot of new people in the audience. So,  
15 I'll just explain what this is again. So, this is  
16 a quarterly review. And it basically is a report  
17 that sets forth the number of violations received  
18 by ECB, broken down by the issuing agency. It's a  
19 quarterly comparison of the violations received,  
20 violations heard and decisions rendered; and a  
21 look at the elapsed time from hearing to decision  
22 date, a look at decision results for each of the  
23 issuing agencies and lastly, a look at the most  
24 commonly issued violations by the agency.

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2 So, okay, let's begin. Okay, so summons  
3 received by ECB fourth quarter 2015 and basically  
4 we're comparing it with the third quarter at this  
5 point in time. So with DSNY, you can see that  
6 there's been a three percent increase from  
7 108,129 to 111,005. DOB, there's been a three  
8 percent decrease: 13,293 to 12,875. DOT, there's  
9 been a two percent increase: 19,157 to 19,516.  
10 But you can see between the second quarter, third  
11 and fourth, there's been a tremendous increase  
12 and that has to do with the electronic summonses  
13 they're now using.

14 FDNY was a six percent increase from  
15 10,684 to 11,314. DEP, a 25 percent decrease:  
16 4,201 to 3,139. Department of Health and Mental  
17 Hygiene, a 13 percent decrease from 8,120 to  
18 7,077. The Department of Parks and Recreation,  
19 there's been a decrease. It was from 2,805 to  
20 2,311. It's an 18 percent decrease. NYPD, there's  
21 been an increase from 3,617 to 3,954. DoITT --

22 LT. ALBANO: That's lower numbers than  
23 other years, right?

24 MS. SLIFKA: I, I --

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2 LT. ALBANO: Isn't it really about six?

3 MS. SLIFKA: Yeah, well, I don't want to  
4 promise you about that because I don't have the  
5 numbers.

6 LT. ALBANO: Right.

7 MS. SLIFKA: And I really don't remember  
8 what happened in 2014. I can get you numbers.

9 LT ALBANO: Yeah, would you? Yeah, that,  
10 that doesn't sound -- that's flawed; that's very  
11 low.

12 MS. SLIFKA: So, I can -- yeah, we have  
13 past reports; we'll let you know. But it could be  
14 -- but from this year going --

15 LT. ALBANO: For the quarter, it's an  
16 increase -- I got for the quarter.

17 MS. SLIFKA: Well, and also for the  
18 whole year, there hasn't been -- the issuance  
19 hasn't been tremendous.

20 LT. ALBANO: Yeah, that just doesn't  
21 sound right.

22 MS. SLIFKA: Okay? For DoITT, there was  
23 a 182 percent increase from 65 to 183. And for  
24 BIC, there's been and I checked this number:

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2 1,850 percent increase from -- and I was like:  
3 Really? -- and from 2 to 39. And for Landmarks,  
4 there's been a 40 percent increase from 25 to 35.

5 LT. ALBANO: Statistics are amazing.

6 MS. SLIFKA: So, summons received by  
7 ECB; oh, and this is comparing fourth quarter  
8 2014 and fourth quarter 2015.

9 LT. ALBANO: So, we're down.

10 MS. SLIFKA: So you can see it here.

11 LT. ALBANO: Yeah.

12 MS. SLIFKA: Okay. So for DSNY, there's  
13 been a ten percent increase. For DOT, there has  
14 been a 97 percent increase from 9,894 to 19,516;  
15 again, because of the electronic summonses. DOB:  
16 12,853 to 12,875, not a significant increase,  
17 approximately less than one percent. FDNY is a  
18 ten percent increase: 10,267 to -- wait I'm  
19 looking at the wrong number -- to 11,314. Health,  
20 approximately four percent increase. And NYPD,  
21 you can see, that's the answer to your question:  
22 It's from 4,230 to 3,954 and that's a seven  
23 percent -- approximately seven percent decrease.  
24 DEP is an approximately two decrease.

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2 Parks, it's up 90 percent: 1,215 to 2,311. DoITT,  
3 it's a decrease of 45 percent: 337 to 183. BIC,  
4 it's an increase and again I did the math twice:  
5 457 percent from 7 to 39. Landmarks is a decrease  
6 of 17 percent: 42 to 35. And DCA -- well, that  
7 was easy: it's a 100 percent increase zero to  
8 one. And overall there's been an increase of  
9 about 15 percent.

10 Okay. Total summons heard: DSNY, there  
11 was a three percent decrease from the fourth  
12 quarter in 2014 to the fourth quarter in 2015.  
13 DOB, there's been a six percent increase: 10,678  
14 to 11,269. Health, there's an increase of  
15 approximately 19 percent: 3,849 to 4,562. DEP --  
16 well, Fire, there's been a decrease: 4,859 to  
17 4,085. DEP is approximate one percent increase.  
18 DOT, there was a 34 percent increase from 2,573  
19 to 3,446. NYPD in cases heard, there's been a  
20 decrease of approximately 25 percent: 2,928 to  
21 2,128. DoITT, there's been 125 percent increase  
22 from 337 to 760. Parks has been an increase also,  
23 of about 55 percent: 446 to 690. BIC, a three  
24 percent increase: 5 to 19. Landmarks, a decrease

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2 in hearings: 19 to 17. It's approximately ten  
3 percent. And overall there's an approximate two  
4 percent increase in the cases heard, comparing  
5 fourth quarter 2014 to fourth quarter 2015.

6 Decisions rendered: For sanitation, it's  
7 approximately two percent increase: 15,504 to  
8 15,809. For Buildings, an approximate nine  
9 percent increase: 6,628 to 7,213. For Health,  
10 there's been a 20 percent increase: 3,240 to  
11 3,877. FDNY, there's been a decrease: 4,185 to  
12 3,493. And Department of DOT -- Transportation, a  
13 35 percent increase: 1,843 to 2,488. DEP, a 16  
14 percent increase: 2,039 to 2,356. NYPD, there's  
15 been a decrease of 11 percent: 2,549 to 2,271.  
16 Parks has been an increase of 42 percent from 443  
17 to 629. DoITT, an increase of 320 percent: 113 to  
18 475. BIC, an increase of 300 percent -- I did  
19 this a lot of times too, the math: 4 to 16, that  
20 should be easy, right? Landmarks, there's been a  
21 decrease of 47 percent: 19 to 10. And overall,  
22 there's been an increase, slight increase of 5.7  
23 percent. Okay?

24 And hearings to decision: We're

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2 completing 84 percent of our decisions in less  
3 than ten days and 98 percent in less than 20  
4 days.

5 LT. ALBANO: What that means is that  
6 after the hearing, the judge writes the decision  
7 --

8 MS. SLIFKA: Correct.

9 LT. ALBANO: -- in less than ten days?

10 MS. SLIFKA: Correct.

11 LT. ALBANO: That's great.

12 MR. DEL VALLE: Let me interject --  
13 interject something at this point because I was  
14 listening to the testimony on Monday's hearing at  
15 the City Council regarding the transfer of cases.  
16 And something that the head of the New York ACLU  
17 said, which irked the hell out of me and there's  
18 a phone call into them; essentially saying that,  
19 and somebody else there, that there was an  
20 unconscionable delay in the time it took for  
21 people to find out the results of hearings at  
22 ECB. And basically I'm calling them out on that  
23 and saying: What are you talking about? Where are  
24 you getting your information from?

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2 LT. ALBANO: Good.

3 MR. DEL VALLE: Why didn't you try like  
4 calling us? Anyway, that's just something I want  
5 to mention.

6 MS. SLIFKA: And I'd also like to add:  
7 Since the Commissioner has been here and we also  
8 -- we offer respondents the decision the same day  
9 if they want to stay and wait. A large percentage  
10 don't. They'd rather get it in the mail. But this  
11 is something the Commissioner instituted and it's  
12 helpful for the people. So, that's a good thing  
13 too.

14 So, dismissals versus violations. So,  
15 overall, 59.5 percent is found in violation. That  
16 was in fourth quarter 2014 and 39.9 was  
17 dismissed. In fourth quarter 2015, 57.7 are in  
18 violation and 41.5 is dismissed. So, broken down,  
19 what does that look like? Fifty-eight percent is  
20 dismissed for Sanitation cases and 42 percent is  
21 in violation. Fire cases, 90 percent is in  
22 violation and nine percent dismissed and one  
23 percent accepts stipulations. DOB, we have 80  
24 percent in violation; 20 percent dismissal rate.

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2 DEP, we have 81 percent in violation and nine  
3 percent dismissal and ten percent accepts  
4 stipulation. DOT: 56 percent in violation; 44  
5 percent dismissed. NYPD: 48 percent in violation;  
6 52 percent dismissed.

7 LT. ALBANO: Again, it -- the Sanitation  
8 Department and Police Department both have some  
9 really high dismissal rates and DOT's up there  
10 too. Is it because the summonses were written  
11 incorrectly, the wrong section of law and there's  
12 a missing date? Or is it, you know, a technically  
13 facially insufficient and the officer didn't  
14 write the story?

15 MS. SLIFKA: I don't think --

16 LT. ALBANO: Do we have any idea what --

17 MS. SLIFKA: -- from my observations, I  
18 don't think so. Wait, if you're making a  
19 comparison with FDNY and DEP, it may be.

20 LT. ALBANO: Well, just in terms of the  
21 numbers.

22 MS. SLIFKA: Let me just --

23 LT. ALBANO: Yeah.

24 MS. SLIFKA: They have a petitioner.

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2 They have -- they have someone --

3 LT. ALBANO: Somebody there.

4 MS. SLIFKA: -- who could prosecute  
5 their case, so to speak.

6 LT. ALBANO: Yeah, we don't have anybody  
7 yet.

8 MS. SLIFKA: Yes, Madelynn wants to say  
9 something.

10 MS. MADELYNN LIGUORI, ESQ. DEPARTMENT OF  
11 SANITATION: I just want to clarify -- Madelynn  
12 Liguori from Sanitation. From Sanitation's  
13 dismissal rates, it's not surprising. Our tickets  
14 are not that difficult to beat, so to speak. So,  
15 our dismissal rates really don't surprise us.

16 LT. ALBANO: I just get concerned over  
17 why they're being dismissed? Is it a training  
18 issue? I mean, if you go to court and the judge  
19 buys one story over the other, well, that's, you  
20 know, that's why we have courts.

21 MR. DEL VALLE: I think OMAP might have  
22 fun doing an analysis of that.

23 LT. ALBANO: Yeah, alright.

24 MR. DEL VALLE: I don't want to put

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2 Sanitation on the spot. But why are your  
3 summonses easy to beat?

4 MS. LIGUORI: Because if they're our  
5 bulk summonses: dirty sidewalk, 18-inches,  
6 reasonable efforts; if someone comes in and says  
7 they clean so many times, it's a standard set by  
8 ECB and the tickets are dismissed.

9 MR. DEL VALLE: Okay.

10 LT. ALBANO: And read these decisions,  
11 everybody --

12 MR. DEL VALLE: I just want to put that  
13 on the record so somebody listening to this  
14 doesn't think you're crazy.

15 MS. SLIFKA: And Health, we have a 48  
16 percent in violation rate; 52 rate dismissal  
17 rate. For BIC, it's a 56 percent in violation  
18 rate; 44 percent dismissal rate. Parks: 59  
19 percent in violation; 41 percent dismissal rate.  
20 Landmarks: 80 percent in violation; 20 percent  
21 dismissal rate. And DoIIT, a 52 percent in  
22 violation; 48 percent dismissal rate. And the  
23 most commonly issued summonses: well, for DOT,  
24 it's failure to permanently restore the cut

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2 within the required time; use or opening of the  
3 street without a permit; failure to comply with  
4 the terms and conditions of the DOT permit. For  
5 NYPD, it's: vending in a bus stop or next to a  
6 hospital or within ten feet of a driveway, subway  
7 or crosswalk; vending at the time and place  
8 prohibited; or operation of a motorized scooter  
9 within the City of New York.

10 LT. ALBANO: Yeah, alright.

11 MR. CAVALLO, CITIZEN MEMBER: That's  
12 new?

13 LT. ALBANO: With all that, yeah,  
14 that's, that's changed. You know, the three --  
15 you know, the three top ones used to be  
16 different.

17 MS. SLIFKA: Yup, it changes.

18 LT. ALBANO: And now it's changed. I  
19 mean, the motorized scooter was brand new law.  
20 But the vending in time and place prohibited is,  
21 no -- that's the, the top one is traditional.

22 MS. SLIFKA: Right. So, DOB, it's  
23 unlawful acts or failure to comply with an order  
24 of the Commissioner or failure to comply with the

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2 Commissioner order to file a certificate of  
3 correction with DOB; and work without a permit.  
4 DSNY, it's a dirty sidewalk area; failure to  
5 clean 18 inches into the street and dirty area.  
6 DEP, it's failure to submit an annual test report  
7 for a back flow preventer or failure to install  
8 a back flow preventer or failure to adopt and  
9 implement a noise mitigation plan for  
10 construction.

11 FDNY, it's inspection and testing fire  
12 protection system; fail to prevent unnecessary,  
13 unwarranted alarm; and posting of permits and  
14 recordkeeping. DOHMH, its failure to eliminate  
15 rodent infestation; and then it's failure to  
16 eliminate conditions conducive to rodent or  
17 debris; and failure to comply with the Department  
18 or Board of Health or Commissioner's order.  
19 Landmarks, it's work without or in violation of  
20 certificate of approval or a Type C flag, sign or  
21 banner or awning. It's work without or in  
22 violation of certificate of approval for no  
23 effect of an ALT or a Type A; and work without or  
24 in violation of certificate of approval, no

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2 effect, alteration for a storefront Type A.  
3 DoITT, its failure to provide work in public pay  
4 telephone and operating service; failure to sign  
5 missing impermissible as per requirements of  
6 subsection; and failure to clean, maintain  
7 publicly pay telephones as per the requirements  
8 of the subsection. Parks, it's unauthorized  
9 vending; failure to comply with the directions or  
10 prohibitions of the signs; and failure to comply  
11 with bicycle riding restrictions.

12 LT. ALBANO: That's a big thing now.

13 MS. SLIFKA: For BIC, it's failure to  
14 obtain identification card; as per that  
15 subsection, failure to display identification  
16 card; and idling of motor vehicle engine for more  
17 than three minutes. So for the appeals, you can  
18 see DOB, highest rate of appeals: 225. DoITT,  
19 lowest rate: 5; and overall 761 appeals. And  
20 total number of defaults in October, November and  
21 December: 81,769; 68 percent. The highest  
22 percentage is DSNY and then DOT and then  
23 Buildings with five percent default rate. Okay.  
24 Any other questions? No?

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2 MR. CAVALLO: Nuh-uh.

3 MS. SLIFKA: Thank you.

4 MR. DEL VALLE: Thank you. On deck, DEP?

5 MR. RUSSELL PECUNIES, ESQ., DEPARTMENT  
6 OF ENVIRONMENTAL PROTECTION: Good morning. Okay,  
7 good morning. Russell Pecunies with the  
8 Department of Environmental Protection. This  
9 month DEP has 20 cease and desist requests for  
10 the Board, relating to failure to install back  
11 flow prevention devices. In each of these cases,  
12 the building owner has been ordered to install  
13 back flow prevention devices. They have been  
14 issued a notice of violation for failing to do  
15 so. And they have defaulted as to that notice of  
16 violation. And in each of these cases, there is a  
17 continuing failure to comply with the  
18 Commissioner's order. So based on that, in these  
19 20 cases, DEP is requesting that the Board issue  
20 an order to cease and desist.

21 MR. DEL VALLE: Any questions? Is there  
22 a motion? It's unanimous with one abstention.

23 MR. PECUNIES: One -- one abstention.  
24 DEP also this month has a request for a cease and

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2           desist order under the sewer code. This one is a  
3           little bit different from the usual sewer cease  
4           and desist request, which relates to failure to  
5           install a grease trap. On this one, the initial  
6           inspection resulted in a Commissioner's order  
7           being issued for failure to provide access to and  
8           open its grease trap. The second inspection found  
9           -- resulted in a Commissioner's order requiring  
10          respondent to reinstall the grease trap because  
11          they had installed it backwards. The third  
12          inspection resulted in finding that nothing had  
13          changed, except that the grease trap was  
14          overloaded with 68 pounds of grease when it was  
15          only rated to handle 40 pounds of grease. And  
16          based on these deficiencies, a series of  
17          Commissioner's order and notices of violation  
18          were issued, none of which have resulted in the  
19          respondent coming into compliance. In fact, the  
20          respondent defaulted on violations scheduled in  
21          July, August, October, November and January and  
22          also failed to appear for a compliance meeting  
23          with Waste Water Treatment in December. So,  
24          having exhausted all of our other options, we're

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2 asking the Board to issue an order to cease and  
3 desist.

4 MR. DEL VALLE: Are there any questions?  
5 Is there a motion? Again, it's unanimous with one  
6 abstention.

7 MR. PECUNIES: And finally, we have one  
8 request for a cease and desist order under the  
9 noise code. This is for Prime 135 NYC, LLC at 135  
10 Seventh Avenue South in Manhattan. The  
11 establishment has been cited five times last year  
12 for noise from its kitchen exhaust. And due to  
13 the continuing failure to comply, they defaulted  
14 four times and were found in violation once. Due  
15 to the repeated violations and continuing failure  
16 to comply, DEP is asking the Board to issue a  
17 cease and desist order.

18 MR. DEL VALLE: Questions?

19 MR. CAVALLO: No.

20 MR. DEL VALLE: Motion? And again it's  
21 unanimous with one abstention.

22 MR. PECUNIES: Yup, one abstention.

23 MR. DEL VALLE: Thank you very much.

24 MR. PECUNIES: Thank you.

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2 MR. DEL VALLE: Kelly Corso, will  
3 introduce requests for pre-sealing reports.

4 MS. KELLY CORSO, ESQ., ASSISTANT  
5 DIRECTOR OF ADJUDICATIONS, ECB: Good morning.  
6 I'm Kelly Corso, Assistant Director of OATH/ECB.  
7 We have 15 total pre-sealing reports before you  
8 this morning. Five of them pertain to air code  
9 violations and ten of them pertain to back flow  
10 violations. And in all of those cases, the  
11 hearing officers have recommended no further  
12 action, including no sealing, based on the  
13 compliance that the respondents were able to  
14 establish at the hearings. And that's it.

15 MR. DEL VALLE: Any questions? A motion?  
16 Unanimous. Thank you. That was quick. Is there a  
17 motion to retire to executive session for  
18 purposes of discussing judicial issues? It's  
19 unanimous. Thank you.

20 [OFF THE RECORD]

21 [ON THE RECORD]

22 MR. DEL VALLE: We're back in public  
23 session. Excuse me. Is there a motion to affirm  
24 the appeals decisions from January 7th and

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January 21st appeals panel, as presented in executive session? It's unanimous. And with respect to -- which had appeared -- which was on the agenda at the last meeting regarding New York City v. Racanelli Construction, is there a motion to approve the revised decision as drafted? And that is unanimous.

MS. SHAMONDA GRAHAM, DEPARTMENT OF BUILDINGS: One abstention.

MR. DEL VALLE: With one abstention.

MS. GRAHAM: Sorry.

MR. DEL VALLE: From the Buildings Department actually. And is there a motion to adjourn?

LT. ALBANO: Yes.

MR. DEL VALLE: And that's unanimous.

Thank you.

(The public hearing concluded at 10:05 A.M.)

December 17, 2015

CERTIFICATE OF ACCURACY

I, Andrew Slawsky, certify that the foregoing transcript of Environmental Control Board on January 28, 2016 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: January 29, 2016

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