

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

February 22, 2018

9:25 A.M. to 9:32 A.M.

February 22, 2018

MEMBERS PRESENT:

Fidel F. Del Valle, Esq. - Chair, Chief Administrative Law
Judge, Commissioner, OATH
Shamonda Graham - Department of Buildings (DOB)
Joseph Gregory, Esq. - Fire Department (FDNY)
Elizabeth Knauer, Esq. - Appointed Member
Madelynn Liguori, Esq. - Department of Sanitation (DSNY)
Jorge Martinez, Esq. - Department of Health and Mental
Hygiene (DOHMH)
**Russell Pecunies, Esq. - Department of Environmental
Protection (DEP)**
Kenneth Rice - NYC Police Department (NYPD)
Debra Scotto - Appointed Member

ALSO PRESENT:

Quiana Battle - Computer Service Technician
**Kelly Corso, Esq. - Assistant Director of Adjudications,
Hearings Division, OATH**
Svetlana Goryacheva - Business Integrity Commission (BIC)
Diana Haines, Esq. - Senior Counsel for Legislative
Affairs, OATH
Susan Kassapian, Esq. - Deputy Commissioner/Appeals, OATH
Mark H. Leeds, Esq. - Special Senior Counsel, OATH
Tynia Richard, Esq. - Deputy Commissioner/General
Counsel, OATH
Simone Salloum, Esq. - Senior Counsel, OATH
Peter Schulman, Esq. - Assistant Director of
Adjudications, Hearings Division, OATH
Frances Shine - Secretary to the Board, OATH
Amy Slifka, Esq. - Deputy Commissioner/Hearings Division,
OATH
Olga Statz, Esq. - Deputy General Counsel, OATH

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2 (The board meeting commenced at 9:25
3 A.M.)

4 FIDEL DEL VALLE, ESQ., CHAIR, CHIEF
5 ADMINISTRATIVE LAW JUDGE, COMMISSIONER, OATH: Is
6 there a motion to adopt the minutes of the last
7 meeting? They're adopted. Thank you very much.
8 DEP has some requests for cease and desist
9 orders?

10 RUSSELL PECUNIES, ESQ., DEPARTMENT OF
11 ENVIRONMENTAL PROTECTION: Yes. Okay. Good
12 morning. Russell Pecunies with DEP Legal
13 Affairs. This will be a short presentation again
14 this month. DEP has 30 requests for cease and
15 desist orders pursuant to Commissioner's Orders
16 to install backflow prevention devices. In each
17 of these cases, the Department has determined
18 that the building requires backflow prevention
19 devices and has issued the building owner a
20 summons for not complying with the order. That
21 summons has been adjudicated against the
22 respondent, and the respondent in each of these
23 cases has still not come into compliance, based
24 on which the Department is requesting that the

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2 Board issue an order to cease and desist in each
3 of these cases.

4 MR. DEL VALLE: Any questions? Is there
5 a motion? It's unanimous.

6 MR. PECUNIES: Okay, thank you.

7 MR. DEL VALLE: You weren't kidding.

8 [LAUGHTER]

9 MR. DEL VALLE: Kelly Corso has some
10 requests for pre-sealing orders.

11 KELLY CORSO, ESQ., ASSISTANT DIRECTOR OF
12 ADJUDICATIONS, HEARINGS DIVISION, OATH: Good
13 morning. Kelly Corso, Assistant Director for
14 Adjudications for the Hearings Divisions. Also,
15 mine will be very short. We only have seven pre-
16 seals today for the Board. Five of them involve
17 backflow cases and two of them involve Noise Code
18 cases.

19 Four of the backflow cases, the hearing
20 officers agree with DEP's recommendations to --
21 for no further action at the premises because the
22 respondents presented evidence of compliance
23 during the hearings.

24 In one of the backflow cases, the

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2 hearing officers agreed that the C&D proceedings
3 should be discontinued because DEP had determined
4 that no backflow prevention device was actually
5 necessary at the premises.

6 And in the two Noise Code cases, both
7 involve noise from the respondents' kitchen
8 exhaust systems and, in both cases, the
9 respondents presented evidence of work that had
10 been done on the equipment to bring the equipment
11 into compliance with the Noise Code, and based on
12 that work, the hearing officers recommend that
13 the equipment remain unsealed, provided that
14 DEP's initial inspection and further re-
15 inspections for a period of 180 days show no
16 violations.

17 MR. DEL VALLE: Questions? Motion?
18 It's unanimous. Thank you. Now, this next
19 section's got to be more interesting. Is there a
20 motion to go into Executive Session for -- motion
21 is unanimous. Is there a motion to leave?

22 [LAUGHTER]

23 (The board meeting concluded at 9:32
24 A.M.)

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Environmental Control Board, 2/22/18

CERTIFICATE OF ACCURACY

I, Fei Deng, certify that the foregoing transcript of Board Meeting of the Environmental Control Board on February 22, 2018, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in black ink, appearing to read "Fei Deng", written over a horizontal line.

Date: February 26, 2018

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