

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

September 28, 2017

9:19 A.M. - 9:27 A.M.

September 28, 2017

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)
Russell Pecunies - Department of Environmental Protection
(DEP)
Matthew Smith, Esq. - NYC Police Department (NYPD)
Jorge Martinez, Esq. - Department of Health and Mental
Hygiene (DOHMH)
Debra Scotto - Appointed Member
Thomas Shpetner, Esq. - Appointed Member

ALSO PRESENT:

Rachel Amar - Special Assistant to Commissioner, OATH
Quiana Battle - Computer Service Technician, OATH
Kelly Corso - Assistant Director of Adjudications, OATH
David B. Goldin - Administrative Justice Coordinator (AJC)
Diana Haines, Esq. - Assistant General Counsel, OATH
Susan Kassapian - Deputy Commissioner/Hearings Division,
OATH
Hani Kfourri - Office of Management & Budget
Mark Leeds, Esq. - Special Senior Counsel, OATH
Leemor Peled - Business Integrity Commission (BIC)
York Bergin-Pugh - Department of Transportation (DOT)
Tynia Richard, Esq. - Deputy Commissioner/General Counsel,
OATH
Simone Salloum, Esq. - Senior Counsel, OATH
Carmena Schwecke, Esq. - Assistant Commissioner, OATH
Hearings Division
Frances Shine - Secretary to the Board, OATH
Thomas Southwick, Esq. - Supervising Attorney, Appeals,
OATH
Olga Statz, Esq. - Assistant Commissioner/Deputy General
Counsel, OATH

September 28, 2017

INDEX

	Page
Mr. Fidel Del Valle, Esq.	4
Mr. Russell Pecunies, Esq.	4
Ms. Kelly Corso, Esq.	6

1 September 28, 2017

2 (The board meeting commenced at 9:19
3 a.m.)

4 MR. FIDEL DEL VALLE, ESQ., CHAIR, OATH:
5 Good morning, folks. Welcome to our first fall
6 meeting. Is there a motion to adopt the minutes
7 of the August 24th meeting? They're adopted.

8 MR. RUSSELL PECUNIES, ESQ., DEPT. OF
9 ENVIRONMENTAL PROTECTION: Abstain since I wasn't
10 here.

11 MR. DEL VALLE: With one abstention,
12 they're adopted. DEP has some exciting cease and
13 desist orders.

14 MR. PECUNIES: Okay. Good morning. My
15 name is Russell Pecunies and I'm with the
16 Department of Environmental Protection, Bureau of
17 Legal Affairs. This month, DEP is requesting
18 that the Board issue one cease and desist order
19 under the Sewer Code. This is for a Domino's
20 Pizza located at 241 Rockaway Parkway in
21 Brooklyn. And this location has been ordered
22 based on an inspection that was conducted in June
23 of last year to open its grease interceptors for
24 inspection. Subsequently, DEP issued a

1 September 28, 2017
2 Commissioner's Order requiring the respondent to
3 install and maintain grease interceptors for a
4 sink and for a floor drain. Based on
5 respondent's failure to comply with that order, a
6 series of summonses were issued which still did
7 not result in the Domino's installing the
8 required grease interceptors. Finally, the
9 respondent was ordered to appear for a mandatory
10 compliance meeting on June 21st of this year,
11 which they failed to appear for. And based on
12 the continuing noncompliance with the Sewer Code,
13 DEP is asking the Board to issue an order to
14 cease and desist.

15 MR. DEL VALLE: Any questions? Motion?
16 Approved.

17 MR. PECUNIES: And addition--

18 MR. DEL VALLE: Sounds like they're
19 endangering their franchise with Domino's.

20 MR. PECUNIES: I don't know if those are
21 franchises or corporate, but it's issued to
22 Domino's Pizza as an LLC so.

23 MR. DEL VALLE: Hmm.

24 MR. PECUNIES: Additionally, DEP has, I

1 September 28, 2017

2 believe, it's 27 requests for cease and desist
3 orders for failing to install backflow prevention
4 devices. In each of these cases, the building
5 owner has been ordered after a DEP inspection of
6 the premises to install backflow prevention
7 devices on the water services. When they failed
8 to do so, they've been issued with a summons,
9 which has been upheld or defaulted on. In each
10 of these cases, the respondents are still not in
11 compliance and therefore, in each of these cases,
12 the Department is requesting that the Board issue
13 an order to cease and desist.

14 MR. DEL VALLE: Any questions? Motion?

15 MR. PECUNIES: Alright. Thank you.

16 MR. DEL VALLE: Thank you. Kelly?

17 Kelly will go over the requests for pre-sealing
18 reports.

19 MS. KELLY CORSO, ESQ., ASSISTANT

20 DIRECTOR OF ADJUDICATIONS, OATH: Good morning.

21 I'm Kelly Corso, Assistant Director for OATH
22 Hearing Division. We have 12 pre-sealing reports
23 for the Board today. Nine involve backflow
24 violations. In all those cases, the hearing

1 September 28, 2017

2 officers recommend no sealing or other action
3 based on the compliance that the respondents
4 presented at the hearings. We have two sewer
5 cases and for both of these cases, the hearing
6 officers have agreed with DEP's recommendation
7 that the proceedings be discontinued based on the
8 fact that the respondents have complied with the
9 order. And we have one Noise Code case. And in
10 this case, the hearing officer recommends no
11 further action and that the proceeding be
12 discontinued based on respondent's evidence that
13 the cited air conditioning equipment has been
14 removed and replaced. And that's it.

15 MR. DEL VALLE: Question? Motion?
16 Unanimous. Thank you. We're on our way to a
17 record. Shall we adjourn for executive session?
18 Motion? Thank you.

19 [OFF THE RECORD]

20 [ON THE RECORD]

21 MR. DEL VALLE: We are now back in
22 public session. Is there a motion to adjourn
23 today's meeting? Thank you for coming. Enjoy
24 the week--

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September 28, 2017

(The board meeting concluded at 9:27
a.m.)

Environmental Control Board, 9/28/17

CERTIFICATE OF ACCURACY

I, Fei Deng, certify that the foregoing transcript of the Board Meeting of the Environmental Control Board on September 28, 2017 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: October 10, 2017

GENEVAWORLDWIDE, INC

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