

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

BOARD MEETING

VIA VIDEO CONFERENCING

June 11, 2020

9:27 A.M. - 11:19 A.M.

June 11, 2020

## MEMBERS PRESENT:

**Shamonda Graham - Department of Buildings (DOB)**  
**Joseph Gregory - New York City Fire Department (FDNY)**  
**Joni Kletter, Esq. - Commissioner/Chief Administrative Law  
Judge, OATH, Chair/Executive Director, OATH ECB**  
**Elizabeth Knauer, Esq. - Appointed Member**  
**Madelynn Liguori, Esq. - Department of Sanitation (DSNY)**  
**Jorge Martinez, Esq. - Department of Health & Mental  
Hygiene (DOHMH)**  
**Russell Pecunies, Esq. - Department of Environmental  
Protection (DEP)**  
**Tom D. Shpetner, Esq. - Appointed Member**  
**Matthew Smith, Esq. - New York City Police Department  
(NYPD)**  
**Douglas S. Swann - Appointed Member**  
**Jarrold Whittington - Appointed Member**

## ALSO PRESENT:

Rachel Amar - Special Assistant to Commissioner, OATH  
Ashley Arinus - Intern, OATH  
John Castelli - Deputy Commissioner for Legislative  
Affairs, OATH  
Samantha Chase - Intern, OATH  
Kayla Conti - Intern, OATH  
**Kelly CorSo Esq. - Assistant Commissioner for Hearings  
Division Adjudications, OATH**  
**Nicholas Dietz, Esq. - Assistant General Counsel, OATH**  
Timothy Jones, Esq. - Assistant General Counsel, OATH  
Vivienne Kahng, Esq. - Senior Attorney, Hearings Division,  
OATH  
Susan Kassapian, Esq. - Deputy Commissioner/Appeals, OATH  
Richard J. LaPlant - Office of Management and Budget (OMB)  
Nancy Lin - Office of Management and Budget (OMB)  
Vincent P. Maniscalco - Department of Transportation (DOT)  
Craig Porges, Esq. - Deputy Ombudsperson and Deputy Pro Se  
Clerk, OATH  
Yvonne Quintian - Office of Management and Budget (OMB)  
**Peter Schulman, Esq. - Asst. Director for Appeals, OATH**  
Frances Shine - Secretary to the Board  
Steven Sklyarevskiy - Intern, OATH  
Amy Slifka, Esq. - Deputy Commissioner/Hearings Division,  
OATH  
  
Samuel Solomon, Esq. - Chief of Staff/Special Counsel,

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OATH

Thomas Southwick, Esq. - Supervising Attorney for Appeals,  
OATH

**Olga Statz, Esq. - General Counsel, OATH**

Joy A. Thompson, Esq. - Assistant General Counsel, OATH

Jean Wesh, Esq. - Managing Attorney, Ombudsperson, OATH

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2 (The board meeting commenced at 9:27

3 A.M.)

4 NICHOLAS DIETZ, ESQ., ASSISTANT GENERAL

5 COUNSEL, OATH: Okay. I guess maybe we'll go

6 back. Joseph Gregory? Did Joseph Gregory, or

7 not here?

8 PETER SCHULMAN, ESQ., ASST. DIRECTOR FOR

9 APPEALS, OATH: Mr. Gregory is on the phone as

10 well. Joseph, are you muted?

11 MR. DIETZ: Okay. Thomas --

12 MR. SCHULMAN: Alright, let me. Joseph

13 Gregory, Shamonda Graham?

14 JOSEPH GREGORY, FDNY: Hello? Hello?

15 Hello?

16 MR. SCHULMAN: Hi.

17 MS. SHAMONDA GRAHAM, DOB: I am here.

18 MR. SCHULMAN: Okay.

19 MR. GREGORY: I'm here.

20 MS. GRAHAM: Can you hear me, Peter?

21 MR. GREGORY: Hello?

22 MR. SCHULMAN: Yes, yes, I can hear you

23 now.

24 MS. GRAHAM: You can hear me, Shamonda?

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2 MR. GREGORY: Alright. Can you guys  
3 hear me?

4 MS. GRAHAM: Okay. So I'm, I'm so  
5 sorry, guys. I have been trying to ask a  
6 question the entire time, but you couldn't hear  
7 me. I vote, I vote yes, but I was curious and  
8 did want to know, has there ever been a time  
9 where the task of doing all three has become  
10 overwhelming, or is this just an administrative  
11 nuance? Because I guess --

12 OLGA STATZ, ESQ., GENERAL COUNSEL, OATH:  
13 I'm sorry. Go ahead, Shamonda.

14 MS. GRAHAM: You know, just from my  
15 perspective, for one person to carry so many  
16 titles, it just seems a bit much. But I, I've  
17 been here for the history of the title, so I  
18 recall when the other commissioners carried the  
19 title. And, to me, it did just seem like,  
20 because the rule says you need one, you needed  
21 someone to have that title to sign off. But has  
22 there ever been a situation where now you have to  
23 actively do a lot more than that? I'm just  
24 thinking about being overwhelmed with so much.

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2 MS. STATZ: No. That's basically almost  
3 a, at this point, because we have a commissioner,  
4 it's basically a ceremonial title. It's  
5 something, it's, it's a, it's a carryover that's  
6 still in our rules, so we want to have it in the  
7 event of litigation and make sure we appoint  
8 someone. So at this point, it's a ceremonial  
9 thing. And the tribunal, basically, does that  
10 work. It receives the applications, determines  
11 the applications and processes the work.

12 MS. GRAHAM: Okay. Yes. And, and, and  
13 one last thing, because I do recall this coming  
14 up before when, when an Executive Director was  
15 appointed. If I recall correctly, the rules do  
16 allow the Executive Director to designate, to  
17 have designees?

18 MS. STATZ: Exactly. Yes.

19 MS. GRAHAM: So I, I think I get it.  
20 Basically, as long as you have the Executive  
21 Director in place, then so-, then that director  
22 can designate other folks to do things if it  
23 becomes a need to actually physically do a whole  
24 bunch of stuff. But, in any event, I vote yes.

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2 I vote yes. Congrats to the added title.

3 JONI KLETTER, ESQ., CHAIR, EXECUTIVE  
4 DIRECTOR, OATH ECB, COMMISSIONER/CHIEF  
5 ADMINISTRATIVE LAW JUDGE, OATH: Thank you, I  
6 guess?

7 MR. DIETZ: Okay.

8 MR. GREGORY: Can you guys hear me?  
9 This is Joseph Gregory.

10 MR. GREGORY: Okay, I vote yes.

11 MR. DIETZ: Okay. Thomas Shpetner?

12 TOM SHPETNER, ESQ., APPOINTED MEMBER:  
13 I'm going to vote yes and, and add my  
14 congratulations. But we've been amending penalty  
15 schedules for years and the fact that this fell  
16 down the order of priority by a factor of, you  
17 know, many months, at a minimum, shows that this  
18 consolidation really needs to be a point of  
19 introspection, because I don't think we did it  
20 effectively.

21 You know, this is new information. I  
22 don't, you know, I accept that we didn't do  
23 anything ultra vires, but I'm very concerned that  
24 we've been wasting all this time moving penalty

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2 schedules around, really just pushing pieces of  
3 rules from one ledger to another, and something  
4 about our organizational structure just went  
5 unexamined. It's a, it's sort of an embarrassing  
6 thing, I think.

7 Also we can load votes into Webex into  
8 Polls or put this into Chat so people like  
9 Shamonda don't get stranded on the phone. We  
10 need to harness this technology a little bit.

11 I'm out, but I do vote yes, and  
12 congratulations.

13 MR. DIETZ: Thanks. And then, Elizabeth  
14 Knauer.

15 ELIZABETH KNAUER, ESQ., APPOINTED  
16 MEMBER: A silent "K," yeah. I vote aye.

17 MR. DIETZ: Alright. Okay. So we've  
18 got unanimous approval.

19 MS. KLETTER: And I, I vote aye. Please  
20 include my, me on the votes.

21 MR. DIETZ: Oh, okay. Okay. So now  
22 we've got extra unanimous approval.

23 MS. KLETTER: Okay, thank you. I would  
24 like Nicholas Dietz to present on OATH's ECB

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2 proposed rule, which is a proposed repeal of the  
3 Hudson River Park Trust penalty schedule.

4 MR. DIETZ: Right. Okay, thank you.

5 Good morning. I'm Nicholas Dietz. I'm an  
6 Assistant General Counsel at OATH. And, So today  
7 we're proposing a rule to repeal OATH's Hudson  
8 River Park Trust penalty schedule, and I'm going  
9 to refer to that as HRPT, because it's a  
10 mouthful. And, So this is for violations that  
11 occur at Hudson River Park.

12 Just as a quick background, HRPT is a  
13 hybrid state/city agency that controls Hudson  
14 River Park, which is a strip of land on the West  
15 Side that runs from Riverside Park down to  
16 Battery Park. Now, it's independent of the Parks  
17 Department, but works very closely with it.

18 So OATH is proposing to re- repeal  
19 HRPT's penalty schedule -- I mean OATH's HRPT  
20 penalty schedule -- because the Hudson River Park  
21 Trust is in the process of pro- promulgating its  
22 own penalty schedule. So then, in the future,  
23 it'll be HRPT, rather than OATH, that sets the  
24 penalties for HRPT violations.

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2 Any questions?

3 JORGE MARTINEZ, ESQ., DOHMH: Yeah.

4 Jorge Martinez. Just for my background, are  
5 there any other Ci-, are there, are there any  
6 City regulations that would apply to H RTP [sic]?

7 MR. DIETZ: Basically, they overlap, for  
8 the most part, with the, many of the Parks  
9 Department rules. But they're, they mostly are  
10 citat- cited for the New York State Code of Rules  
11 and Regulations. So even though they're  
12 virtually identical rules, they're under the  
13 rubric of, of state rules, if that makes sense.

14 MR. MARTINEZ: Are those in the  
15 Administrative Code?

16 MS. STATZ: No, they're in the New York  
17 Code of Rules and Regulations. It's the State,  
18 it's the State rules. Like City rules are RCNY,  
19 State rules are NYCRR. So their rules are, it's,  
20 they're basically more a State entity than they  
21 are a City entity. In fact, they do their  
22 rulemaking through SAPA and not through CAPA, the  
23 way we do.

24 MR. MARTINEZ: Okay.

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2 MR. DIETZ: Any other?

3 MS. KNAUER: I just, I'm going to have  
4 recuse myself from this vote, I think, because I,  
5 I have represented HRPT a lot in the past. But I  
6 will, I just wanted to clarify that they really  
7 are a State agency. The, the parkland that they  
8 administer is partially City owned, but they are  
9 a State public benefit corporation.

10 MR. DIETZ: Okay. Any other questions  
11 or comments?

12 MS. KLETTER: Okay. Anyone else? I'm  
13 going to ask for a motion to approve.

14 MS. GRAHAM: I'll make the motion.

15 MS. KLETTER: Thank you.

16 MR. DIETZ: Are, are there any no votes  
17 or abstentions?

18 MS. KNAUER: I'm abstaining. This is  
19 Elizabeth.

20 MR. DIETZ: Got you.

21 DOUGLAS SWANN, APPOINTED MEMBER:  
22 Douglas Swann. I have a no vote.

23 MR. DIETZ: Someone's a no vote? I --

24 MR. SWANN: Douglas Swann.

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2 MS. KLETTER: Can we do a roll call for  
3 the voting? It just might be easier.

4 MS. GRAHAM: Mm-hmm.

5 MR. DIETZ: Okay. Joni Kletter?

6 MS. KLETTER: Aye.

7 MR. DIETZ: Okay. Matthew Smith?

8 MATTHEW SMITH, ESQ., NYPD: Yes.

9 MR. DIETZ: Okay. Jorge Martinez?

10 MR. MARTINEZ: Yes.

11 MR. DIETZ: [Unintelligible] [00:08:55].

12 Madelynn Liguori, Esq., DSNY: Yes.

13 MR. DIETZ: Douglas Swann?

14 MR. SWANN: No.

15 MR. DIETZ: No. Okay.

16 MR. SWANN: No.

17 MR. DIETZ: Jarrod, Jarrod Whittington?

18 JARROD WHITTINGTON, APPOINTED MEMBER:

19 Yes.

20 MR. DIETZ: Russ Pecunies?

21 RUSSELL PECUNIES, ESQ., DEP: Yes.

22 MR. DIETZ: Shamonda Graham?

23 MS. GRAHAM: Yes.

24 MR. DIETZ: Joseph Gregory?

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2 MR. GREGORY: Yes.

3 MR. DIETZ: Thomas Shpetner?

4 MR. SHPETNER: No.

5 MR. DIETZ: And, then, Elizabeth Knauer  
6 was recusing. So I've got two no votes and one  
7 recusal and, and eight yes votes. So eight yes,  
8 two no's, one recusal. Oh, I'm not sure who I  
9 missed. Should I read the names again, or?

10 MS. STATZ: Yeah, why don't you try  
11 that? Just read out the names.

12 MR. DIETZ: Okay. Joni Kletter, Matthew  
13 Smith, Jorge Martinez, Madeline Liguori, Douglas  
14 Swann, Jarrod Whittington, Russel Pecunies,  
15 Shaman- Shamonda Graham, Joseph Gregory, Thomas  
16 Shpetner, Elizabeth Knauer.

17 MR. SCHULMAN: Okay. Maybe I made a --  
18 sorry. My mistake.

19 MS. STATZ: Okay.

20 MR. SHPETNER: Excuse me. I, I've put  
21 this in the chat, but I don't know how  
22 effectively we're using it. Do we know how many  
23 more penalty schedules we're going to be moving?  
24 I mean, we seem to be doing this in perpetuity.

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2 There seems to be a finite number of them.

3 MS. STATZ: Yeah.

4 MR. SHPETNER: We've been doing it for  
5 years and it's getting a bit bureaucratically --  
6 it doe-, I don't understand, you know, why it  
7 hasn't happened, further to my, you know, comment  
8 about the Executive Director title. It seems  
9 like we had no idea what we were doing when all  
10 these changes were made. It creates an  
11 impression of that, anyway.

12 MS. STATZ: No, I think it's pretty  
13 straightforward. OATH has, OATH, OATH has taken  
14 the position that it is a tribunal and it doesn't  
15 impose or set penalties, and it started a, a few  
16 years ago on a, on a trajectory of eliminating  
17 the penalty schedules and giving them to the  
18 agencies that are responsible for determining the  
19 value and the penalties. So and, and --

20 MR. SHPETNER: But that's not the crux  
21 of my question, Olga. I, I appreciate, I  
22 appreciate what you're saying. But there's just  
23 a finite number of these penalty schedules. How  
24 come we keep discovering them and moving them

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2 every meeting for a couple of years?

3 MS. STATZ: Because it's the nature,  
4 it's the nature of the rulemaking process.  
5 Everything is, everything is -- it takes about 90  
6 to, 90 days to four, to four months or so to even  
7 get through the process, and it's even more  
8 complicated now that we don't have monthly ECB  
9 meetings. So now that everything is every two  
10 months, everything has to be pushed over.

11 So a thing that would normally -- for  
12 example, if we're going to do this soup to nuts,  
13 it should take about 10 days to come up with  
14 everything. But we have posting obligations,  
15 hearing obligations, certification obligations  
16 with the Law Department, certification  
17 obligations with the Mayor's Office. We have to  
18 publish, we have to take in. So it's just, it's  
19 a drama. Because we --

20 MR. SHPETNER: Are you suggesting, Olga  
21 -- I mean, I don't want to misinterpret this, but  
22 are you su- suggesting that they have to be done  
23 consecutively and can't be done concurrently?

24 MS. STATZ: We have to, we have to speak

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2 with -- basically, it's, it's an agency by agency  
3 thing. We can't -- so we go to Sanitation or we  
4 go to Buildings or we go, we go, we work agency  
5 by agency.

6 MR. SHPETNER: I understand that. But  
7 there's, there's only so many penalty schedules  
8 available to us.

9 MS. STATZ: You have about three or four  
10 more. I, I don't think any more will  
11 [unintelligible] [00:13:02] I think, you know, we  
12 should be done [crosstalk] [00:13:05].

13 MR. SHPETNER: Can we do them en, en  
14 masse?

15 MS. STATZ: No. For example, we're  
16 doing, we're working on something with, with  
17 Sanitation now, which is, which is a heftier lift  
18 than anything we would work on with BIC, for  
19 example. BIC would take five seconds. You'd  
20 call them and you'd --

21 MR. SHPETNER: Okay. I just, you know,  
22 we devote so much resource to this and, and, and  
23 I, and it just, it's been un-, it's been  
24 underfoot for a couple of years.

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2 MS. STATZ: But it's, it's -- I mean,  
3 listen. Most of them are done. We don't, we  
4 don't, we have fewer than five. I don't know, I  
5 don't remember the exact number, but we have  
6 fewer than five left. But the ones that --

7 [CROSSTALK] [00:13:40]

8 MS. KLETTER: If you could get us a  
9 number, that would be great, Olga. If you could  
10 let us know --

11 MS. STATZ: I'm sorry?

12 MS. KLETTER: If you could let us know  
13 how many are left, that would be really helpful.  
14 But it sounds like we're almost done, so.

15 MS. STATZ: Yes, we are, we are almost  
16 done. Yeah.

17 MR. SHPETNER: I mean, you know, that's  
18 good. Almost done is good.

19 MS. STATZ: Okay.

20 MR. DIETZ: So --

21 MS. KLETTER: We'll move on, or? Sorry.  
22 Go ahead, Nick.

23 MR. DIETZ: Oh, no. And I was just  
24 going to say, so we had eight in favor of the

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2 repeal, two opposed and one recusal.

3 MS. KLETTER: Okay, thank you. I'm  
4 going to ask Nick to introduce ECB's final rule  
5 granting access to financial hardship waivers for  
6 respondents facing restitution penalties.

7 MR. DIETZ: Okay. Oh, sorry. So right.  
8 So this was the, this is the final, this is  
9 moving for a final approval of the rule that was  
10 presented at the April 30th ECB meeting, and some  
11 may recall that that would allow respondents who  
12 are appealing restitution orders to apply for  
13 financial hardship waivers. And under current  
14 OATH rules, this is only permitted for  
15 respondents appealing monetary penalties or  
16 fines.

17 The proposed rule had been unanimously  
18 approved by the Board at the April 30th meeting.  
19 The rule was then published in the City Record on  
20 May 8, 2020. A public hearing was held via Webex  
21 just on June 9th, but we did not re- receive any  
22 public comment. The final rule has been reviewed  
23 and certified by the New York City Law  
24 Department, and the final rule has not been

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2 altered, in any way, from the proposed rule that  
3 the Board approved on, at the April 30th meeting.

4 So are there any questions?

5 MS. KLETTER: So I'll ask for a motion  
6 to approve.

7 MR. DIETZ: I guess I'll read through --

8 MS. KNAUER: Motion.

9 MS. KLETTER: Thank you.

10 MR. DIETZ: Should I read through the --  
11 okay.

12 [CROSSTALK] [00:16:08]

13 MR. DIETZ: So Joni Kletter?

14 MS. KLETTER: Yes.

15 MR. DIETZ: Yes. Okay. Matthew Smith?

16 MR. SMITH: Yes.

17 MR. DIETZ: Jorge Martinez?

18 MR. MARTINEZ: Yes.

19 MR. DIETZ: Madeline Liguori?

20 MS. LIGUORI: Yes.

21 MR. DIETZ: Douglas Swann?

22 MR. SWANN: Yes.

23 MR. DIETZ: Jarrod Whittington?

24 MR. WHITTINGTON: Yes.

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2 MR. DIETZ: Russell Pecunies? I think  
3 you're muted. Russ, you're muted.

4 MR. SCHULMAN: I think his audio is  
5 disconnected. Russ, if you want to raise your  
6 hand for a yes? Or chat.

7 MR. DIETZ: Maybe we'll get back to him.

8 MR. SCHULMAN: Yeah, I'll send him a  
9 chat.

10 MR. DIETZ: Okay. Shamonda Graham?

11 MS. GRAHAM: I vote yes.

12 MR. DIETZ: And Joseph Gregory?

13 MR. GREGORY: Yes.

14 MR. DIETZ: Thomas Shpetner?

15 MR. SHPETNER: Yes.

16 MR. DIETZ: Elizabeth Knauer?

17 MS. KNAUER: Yes.

18 MR. DIETZ: Thanks. Do we have Russ  
19 Pecunies back on? Okay, I'm not sure how to --

20 MR. SCHULMAN: Olga, you, you were  
21 muted.

22 MS. STATZ: Oh, sorry. Russ, do you  
23 want to -- can you hear me? Why don't you raise  
24 your hand? We can, we can count that. Can you -

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2 -

3 MR. SCHULMAN: I don't think he can hear  
4 us.

5 MS. STATZ: I don't think he can hear  
6 us, either.

7 MR. SCHULMAN: I sent, I sent him a  
8 chat, so hopefully he'll respond to that.

9 MR. DIETZ: Okay. Well, pending his  
10 vote --

11 MR. PECUNIES: Hello?

12 MR. SCHULMAN: Hi, Russ.

13 MR. DIETZ: Hi. Do you vote in favor of  
14 the, the final rule on the financial hardship  
15 waivers? Hello? I think we lost him again.

16 MR. PECUNIES: Hello?

17 MR. DIETZ: Yes, hi.

18 MR. PECUNIES: Hello. This is Russ.

19 MS. STATZ: Hi, Russ. Do you vote in  
20 favor of the final rule?

21 MR. PECUNIES: I'm back, I think.

22 MR. DIETZ: Yes.

23 MR. PECUNIES: Yes, I, I don't know what  
24 happened. My cell phone rang and I got

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2 disconnected.

3 MR. DIETZ: Okay. So this was just to  
4 finalize the proposed rule that we had presented  
5 at the April 30th meeting regarding financial  
6 hardship waivers. So the wording is exactly the  
7 same. So that was a yes vote? Maybe we'll try  
8 again later, or? Because, currently, we have  
9 unanimous in favor.

10 MS. STATZ: How many do we have? How  
11 many people have voted unanimously?

12 MR. DIETZ: Four, five, six -- 10 votes  
13 in favor. And then --

14 MS. STATZ: I mean, it would be great if  
15 Russ could, if Russ could vote. But I think  
16 [unintelligible] [00:19:44], in terms of having  
17 performed the action.

18 MR. DIETZ: So I guess that would be it?

19 MS. STATZ: Yeah.

20 [CROSSTALK] [00:20:07]

21 MR. DIETZ: Yeah. Commissioner, I think  
22 we can move to the next item.

23 MS. KLETTER: Okay. We got his vote or  
24 we didn't?

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2 MR. DIETZ: So far, no, but we have  
3 enough votes to pass. We've got 11 -- sorry, 10  
4 in favor.

5 MR. PECUNIES: Yeah, I'm, I'm  
6 [unintelligible] [00:20:24].

7 MR. DIETZ: Yes.

8 MS. STATZ: Now we can.

9 MR. DIETZ: So do you --

10 MS. KLETTER: Did you say yes or no,  
11 Russ? Yeah, we can hear you.

12 MR. DIETZ: We can hear you. It seems  
13 to be buffering.

14 MS. KLETTER: Yeah. I'm going to have  
15 Peter just call his cell and have it, put it on  
16 speaker, if we can.

17 MR. DIETZ: So should we --

18 MS. STATZ: Well, we have enough votes  
19 to, to, to have this -- we'll, we'll just wait  
20 for, and Russ can add his vote after. We're,  
21 we're pretty safe.

22 MS. KLETTER: So I'm going to ask Kelly  
23 Corso to introduce DEP's request for pre-sealing  
24 reports.

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2 KELLY CORSO ESQ., ASSISTANT COMMISSIONER  
3 FOR HEARINGS DIVISION ADJUDICATIONS, OATH: Good  
4 morning. This is Kelly CorSo Assistant  
5 Commissioner for Adjudications for the Hearings  
6 Division, and we have 15 pre-sealing reports  
7 today for the Board.

8 They're all backflow cases. In all of  
9 the reports, the hearing officers are  
10 recommending that there be no further action,  
11 because the respondents provided evidence of  
12 compliance at the hearings. So the  
13 recommendation is no further action for all pre-  
14 sealing reports.

15 MS. KLETTER: Any questions?

16 MR. DIETZ: Okay. So --

17 MS. KLETTER: Yeah, motion to approve?

18 MS. KNAUER: Motion.

19 MS. KLETTER: Thank you. Let's call for  
20 a vote.

21 MR. DIETZ: Okay. Joni Kletter?

22 MS. KLETTER: Yes.

23 MR. SHPETNER: Yes.

24 MR. DIETZ: Jorge Martinez?

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2 MR. MARTINEZ: Yes [Unintelligible]

3 [00:22:27]

4 MR. DIETZ: Okay. Madelynn Liguori?

5 MS. LIGUORI: Yes.

6 MR. DIETZ: Douglas Swann?

7 MR. SWANN: Yes.

8 MR. DIETZ: Jarrod Whittington?

9 MR. WHITTINGTON: Yes.

10 MR. DIETZ: Russell Pecunies? And maybe  
11 we'll come back. Shamonda Graham?

12 MS. GRAHAM: I vote yes.

13 MR. DIETZ: Okay. Joseph Gregory?

14 MR. GREGORY: Yes.

15 MR. DIETZ: Thomas Shpetner?

16 MR. SHPETNER: Yes.

17 MR. DIETZ: Elizabeth Knauer?

18 MS. KNAUER: Yes.

19 MR. DIETZ: Okay. So Russell, can you  
20 hear us? Okay, yes. Do you vote yes? Can you  
21 raise your hand if you're voting yes on thi-, on  
22 this? Okay. So I guess we'll have to circle  
23 back. So we have, again, 10 votes in, in favor  
24 and then we'll wait on Russ's vote. So that,

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2 that's enough to approve.

3 MS. KLETTER: Okay, great. Thank you.  
4 I'm going to ask for a motion to go into  
5 Executive Session to discuss matters listed in  
6 the judicial report.

7 MS. LIGUORI: Motion.

8 MS. KLETTER: Thank you. I'm going to  
9 ask in Public Session.

10 [OFF THE RECORD]

11 [ON THE RECORD]

12 MS. KLETTER: And we have determined  
13 that we are holding this decision in abeyance and  
14 it will be discussed again at our next Board  
15 meeting. The ne-, the date of the next Board  
16 meeting is August 20th. Are there any other  
17 comments before we adjourn? Okay. I'm going to  
18 make a motion to adjourn the meeting. Alright.  
19 Adjourning. Be well.

20 MS. CORSO: Be well, everyone.

21 MR. SHPETNER: Thank you.

22 ALL: Bye.

23 (The board meeting concluded at 11:19  
24 A.M.)

June 11, 2020

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Environmental Control Board, 6/11/2020

CERTIFICATE OF ACCURACY

I, Devin Turpin, certify that the foregoing transcript of Board Meeting of the Environmental Control Board on June 11, 2020, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

  
\_\_\_\_\_

Date: September 18, 2020

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