

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

BOARD MEETING

VIA VIDEOCONFERENCE

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

August 12, 2021

9:36 a.m. to 10:29 a.m.

August 12, 2021

## MEMBERS PRESENT:

**Joni Kletter, Esq. - Commissioner/Chief Administrative Law Judge, OATH, Chair/Executive Director, OATH ECB**  
**Shamonda Graham - Department of Buildings (DOB)**  
**Jose Marquez - New York City Fire Department (FDNY)**  
**Madelynn Liguori, Esq. - Department of Sanitation (DSNY)**  
**Jorge Martinez, Esq. - Department of Health & Mental Hygiene (DOHMH)**  
**Russell Pecunies, Esq. - Department of Environmental Protection (DEP)**  
**Matthew Schneid, Esq. - Appointed Member (Real Estate)**  
**Tom Shpetner, Esq. - Appointed Member (Business)**  
**Matthew Smith, Esq. - New York City Police Department (NYPD)**  
**Jarrod Whittington - Appointed Member (Noise)**

## ALSO PRESENT:

**Rachel Amar - Special Assistant to Commissioner, OATH**  
**John Castelli - Deputy Commissioner for Legislative Affairs, OATH**  
**Kelly Corso, Esq. - Assistant Commissioner for Hearings Division Adjudications, OATH**  
**Svetlana Iosilevich, Esq. - Executive Agency Counsel, Business Integrity Commission (BIC)**  
**Richard J. LaPlant - Office of Management and Budget (OMB)**  
**Nancy Lin - Office of Management and Budget (OMB)**  
**Peter Schulman, Esq. - Assistant Commissioner for Appeals, OATH**  
**Frances Shine - Secretary to the Board, OATH**  
**Amy Slifka, Esq. - Deputy Commissioner/Hearings Division, OATH**  
**Samuel Solomon, Esq. - Chief of Staff/Special Counsel, OATH**  
**Olga Statz, Esq. - General Counsel, OATH**  
**Joy A. Thompson, Esq. - Assistant General Counsel, OATH**

August 12, 2021

## INDEX

	Page
Joy Thompson, Esq.	4
Joni Kletter, Esq.	4
Jose Marquez	4
Shamonda Graham	4
Madelynn Liguori, Esq.	5
Jorge Martinez, Esq.	5
Matthew Schneid, Esq.	5
Thomas Shpetner, Esq.	5
Matthew Smith, Esq.	5
Jarrod Whittington	6
Olga Statz, Esq.	7
Rachel Amar	9
Peter Schulman, Esq.	9
Amy Slifka, Esq.	17
Samuel Solomon, Esq.	36
Kelly Corso, Esq.	42
Russell Pecunies, Esq.	46

1 August 12, 2021

2 (The board meeting commenced at 9:36  
3 A.M.)

4 JOY A. THOMPSON, ESQ., ASSISTANT GENERAL  
5 COUNSEL, OATH: Good morning, everyone. I would  
6 like to start the roll call. I will start with  
7 the Commissioner.

8 JONI KLETTER, ESQ., CHAIR, EXECUTIVE  
9 DIRECTOR, OATH ECB, COMMISSIONER/CHIEF  
10 ADMINISTRATIVE LAW JUDGE, OATH: Yes.

11 MS. THOMPSON: Shamonda Graham. Joseph  
12 Gregory?

13 JOSE MARQUEZ, NEW YORK CITY FIRE  
14 DEPARTMENT (FDNY): Jose Marquez [unintelligible]  
15 [09:36:21] [00:00:21].

16 MS. THOMPSON: Thank you.  
17 [Unintelligible] [09:36:26] [00:00:26].

18 SHAMONDA GRAHAM, DEPARTMENT OF BUILDINGS  
19 (DOB): Guys, I'm sorry to interrupt, but can --  
20 somebody's background is very loud. Can it be  
21 muted?

22 MS. KLETTER: Thank you.

23 MS. THOMPSON: Okay. So Shamonda  
24 Graham, are you present?

1 August 12, 2021

2 MS. GRAHAM: Yes, I am here. Good  
3 morning.

4 MS. THOMPSON: Thank you. Madelynn  
5 Liguori?

6 MADELYNN LIGUORI, ESQ., DEPARTMENT OF  
7 SANITATION(DSNY): Present.

8 MS. THOMPSON: Jorge Martinez?

9 JORGE MARTINEZ, ESQ., DEPARTMENT OF  
10 HEALTH & MENTAL HYGIENE(DOHMH): Yes, I'm here.  
11 Good morning, as well.

12 MS. THOMPSON: Russell Pecunies?  
13 Matthew Schneid?

14 MATTHEW SCHNEID, ESQ., APPOINTED MEMBER  
15 (REAL ESTATE): Present.

16 MS. THOMPSON: Thomas Shpetner?

17 TOM SHPETNER, ESQ., APPOINTED MEMBER  
18 (BUSINESS): Present.

19 MS. THOMPSON: Good morning. Matthew  
20 Smith?

21 MATTHEW SMITH, ESQ., NEW YORK CITY  
22 POLICE DEPARTMENT (NYPD): Here.

23 MS. THOMPSON: Douglas Swann? Jarrod  
24 Whittington?

1 August 12, 2021

2 JARROD WHITTINGTON, APPOINTED MEMBER

3 (NOISE): Present.

4 MS. THOMPSON: We have eight present.

5 MS. KLETTER: Alright, thank you. I  
6 just want to acknowledge that this is our first  
7 in-person meeting in at least a year and a half,  
8 since COVID began. It's my first in-person  
9 meeting as Chair, and I just want to thank you  
10 all for being here today and for everything that  
11 you've done in the last year and a half. I think  
12 what the ECB has accomplished, it's really  
13 extraordinary considering the conditions we were  
14 all working under and what the City was going  
15 through. So I really appreciate all of your  
16 efforts and the work that you've put in. It  
17 really is incredible that we've been able to,  
18 that as an, as an Agency, OATH, in general, that  
19 we've been able to stay fully operational during  
20 this time and continue remotely and continuing  
21 serving the people of New York. So, I'm  
22 incredibly impressed with the team that we have  
23 and the work that you've all done. So thank you  
24 and it's, it's great to finally meet you in-

1 August 12, 2021

2 person.

3 I'm first going to ask for a motion to  
4 adopt the minutes for the June 10, 2021 meeting.  
5 Thank you, Madelynn. Does anyone have any  
6 corrections? Okay. I'm going to ask Joy for a  
7 call for a vote to approve the minutes as  
8 presented.

9 MS. THOMPSON: Commissioner, just one  
10 correction, which is nine present. So I'm  
11 including [unintelligible] [09:38:58] [00:02:58]  
12 attendees. I will start by asking if anyone has  
13 any objections to the approval of the minutes for  
14 the June 10, 2021 ECB Board Meeting. Hearing no  
15 object- objections, the minutes are approved.

16 MS. KLETTER: Great. Great, thank you.  
17 So we do have a few rules we're going to be  
18 discussing today. I'm first going to ask Olga  
19 Statz to introduce, to introduce OATH's proposed  
20 final rule, correcting and adjusting the language  
21 in OATH's rules.

22 OLGA STATZ, ESQ., GENERAL COUNSEL, OATH:  
23 Hi. Good morning, everybody. Good morning,  
24 everybody. This is Olga Statz. And I'm, I'm

1 August 12, 2021

2 here with the final round for the adjustments and  
3 corrections to the rule that you all have seen on  
4 numerous occasions by now.

5 And so, as you know, the, the rule  
6 adoption process is a long one. We go through  
7 the proposed rules and final rules. So what you  
8 have before you, there's no change to what you  
9 had approved previously. This is just the final,  
10 and it will be final. So we're asking you to  
11 approve that.

12 Any questions? No?

13 MS. KLETTER: Thank you, Olga. Hello,  
14 Russ. Alright. So I'm going to ask for a motion  
15 to approve.

16 MS. LIGUORI: Motion.

17 MS. KLETTER: Thank you, Madelynn. Joy,  
18 please call a vote.

19 MS. THOMPSON: I'm going to ask, at this  
20 moment, if anyone objects [unintelligible]  
21 [09:40:43] [00:04:43] whether there are any  
22 objections to approving the final rule that  
23 corrects the language [unintelligible] [09:40:54]  
24 [00:04:54].



1 August 12, 2021

2 PETER SCHULMAN, ESQ., ASSISTANT  
3 COMMISSIONER FOR APPEALS, OATH: I'm sorry. I'm  
4 sorry. Some- something in, in that room is  
5 creating some, some, like staticky feedback in  
6 the, in the Board Meeting room. Is something  
7 like rustling by a microphone?

8 [OFF MIC CONVERSATION]

9 MS. KLETTER: Yeah, it could be that  
10 there's [unintelligible] [09:41:22] [00:05:22].  
11 How is it now? How is it now?

12 MR. SCHULMAN: It's better. It's  
13 better.

14 RACHEL AMAR, SPECIAL ASSISTANT TO  
15 COMMISSIONER, OATH: It's better, but we can't  
16 actually hear you so well. If, if you guys can  
17 talk a little louder.

18 MS. THOMPSON: Okay. At this time, I  
19 will --

20 MS. GRAHAM: Thank you. I agree.

21 MS. THOMPSON: Okay. At this time, I  
22 will ask if there are any objections to the  
23 motion on the table to approve the final rule  
24 correcting language in OATH's rules. Okay.

1 August 12, 2021

2 Seeing and hearing no objections, this motion  
3 passes unanimously.

4 MS. KLETTER: Thank you. Thank you,  
5 Joy. I'm now going to ask Olga Statz to  
6 introduce an important rule that some of our  
7 staff have been working very hard on. It's  
8 clarifying the procedures for remote proceedings  
9 and appearances. Olga, please [unintelligible]  
10 [09:42:19] [00:06:19].

11 MS. STATZ: Thank you, Commissioner.  
12 Yes. What you have before you is a rule that  
13 we're proposing to have adopted. And it, and as,  
14 as you saw by reading it, it involves allowing,  
15 or making clear that OATH proceedings can take  
16 place remotely. And so, so, for both the Trials  
17 Division and the Hearings Division, what had been  
18 usually exclusively in-person hearings, we  
19 propose to have them also be remote. And, as you  
20 all know, the reason for, we all know the reason  
21 for this is because of the pandemic.

22 At the pandemic, the Commissioner turned  
23 on a dime, basically, and was able to start  
24 remote hearings almost immediately, based on her

1 August 12, 2021

2 own authority as Commissioner. That's authority  
3 that she has in the Charter. However, in  
4 consultation with the Law Department, they said  
5 that if we propose to continue this and extend  
6 the practice, they recommend that we engage in  
7 rulemaking.

8 And in, as a result of that advice, we  
9 came up with these rules, which basically are,  
10 most of them are just taking the rules that, that  
11 already exist and making sure that it's clear  
12 that one can also proceed remotely.

13 So there, there are a few other ones  
14 that I'd like to point out to you, but the  
15 majority of the rules are simply saying "or  
16 remote," "or videoconferencing," "or telephone,"  
17 etcetera, etcetera. Now, in doing that, we also,  
18 we also decided, based on the experience we had  
19 over the last year and a half of doing remote  
20 rules -- the remote hearings, I mean -- we  
21 realized how things should function. And, as a  
22 result of that experience that we had, both at  
23 the Clerk's Office and in the Hearings Division,  
24 we're proposing one new rule, which shows up at

1 August 12, 2021

2 the, at the end, which is Section 17 of Proposed  
3 Rules, it starts at page 10. You're all on page  
4 10? It's Section 6-24(a), and it gives all of  
5 the specific processes of phone calls that have  
6 to be used if an attorney or a representative  
7 wants to proceed remotely.

8 So that's the only, that's the only new  
9 rule that you're seeing here. Everything else is  
10 basically an adjustment of the rule to allow us  
11 also to have remote hearings. So I'm, and I'm  
12 happy to answer any questions you might have  
13 about the new one.

14 MS. KLETTER: And I'm just going to add  
15 to that a little bit, just so you all know.  
16 Well, first of all, since March of 2020, we've  
17 done almost 200,000 cases remotely. And it's  
18 been incredibly successful. I've, I don't think  
19 I've received one complaint from an agency or an  
20 attorney or a respondent regarding the procedures  
21 that we've put in place. So it's really been  
22 remarkable how well we've been able to transition  
23 to primarily telephonic hearings.

24 And come September, which is now only

1 August 12, 2021

2 two and a half weeks away, we intend to start  
3 offering in-person hearings, assuming somebody is  
4 pre-approved for an in-person hearing. And that  
5 pre-approval won't require any sort of special  
6 argument or rationale. They just need to request  
7 the in-person hearing three days in advance. But  
8 if they go up and they haven't made the request,  
9 then we'll assist them in rescheduling an in-  
10 person hearing or setting up a telephonic one.

11 But, come September, we will be offering  
12 in-person hearings for those that would like it.  
13 At least in some of our locations, not in all of  
14 our boroughs, but in, at least in Manhattan and,  
15 and Long Island City. But come October,  
16 November, we'll be offering it, like in the fall,  
17 [unintelligible] [09:46:14] [00:10:14]. So we  
18 are moving towards offering in-person for  
19 everyone shortly. Okay.

20 MS. GRAHAM: Hello?

21 MS. GRAHAM: Hello.

22 MS. GRAHAM: Hi. This is Shamonda  
23 Graham. I'm sorry to interrupt. Commissioner,  
24 it is a little bit low, so I'd just like to

1 August 12, 2021

2 repeat what I heard to ensure that I heard it  
3 correctly.

4 Again, Shamonda Graham from Department  
5 of Buildings. Did I hear you just say that in  
6 September, come September, in-person hearings  
7 will be offered to, basically, the public, the  
8 named respondent, if they request an in-person  
9 hearing? But I, I did hear you say something  
10 about October or November. Would that be  
11 expanding to the five boroughs? I, I just want  
12 to make sure I understood.

13 MS. KLETTER: Correct, yes. Alright.  
14 And I'm going to speak a little bit louder and  
15 into the microphone. So --

16 MS. GRAHAM: Thank you.

17 MS. KLETTER: And which boroughs are we  
18 doing September?

19 [OFF MIC CONVERSATION]

20 MS. KLETTER: Right. So, come  
21 September, we will be offering in-person hearings  
22 for those that request it in advance in Manhattan  
23 and Long Island City.

24 MS. GRAHAM: Got it.

1 August 12, 2021

2 MS. KLETTER: And we'll be expanding to  
3 other boroughs later in the fall.

4 MS. GRAHAM: Understood. I heard you  
5 correctly, then.

6 MS. KLETTER: Questions?

7 MR. SCHNEID: There was a note in the  
8 last section you just pointed out, about 25 cases  
9 per counsel?

10 MS. STATZ: Yes.

11 MR. SCHNEID: Can you explain that,  
12 just, just as a scheduling issue?

13 MS. STATZ: Yes.

14 MR. SCHNEID: You felt that was the  
15 appropriate number?

16 MS. STATZ: Yes. That's the number we  
17 found that can be heard in one day. So when  
18 people have tried -- because this, a lot of this  
19 was trial and error. And the numbers that you  
20 see here are numbers that really, from  
21 experience, we found that they work properly.

22 So, at the beginning of the process, we  
23 were not sure exactly how many cases they, how  
24 many cases individual attorneys could handle.

1 August 12, 2021

2 And so we would allow people to do a lot of them.  
3 And what would happen is that they wouldn't get  
4 through the cases in one day, which would force  
5 us then to push, to, to create an adjourn date  
6 and to push matters forward. So this number was  
7 basically the average number that we found that  
8 most attorneys could get through in, in, in a  
9 day, so that those hearings could be completed.

10 One of the things that, that we have to  
11 always keep in mind is that we try not to  
12 multiply the times a matter comes before a  
13 hearing. It's not efficient. We try to have one  
14 summons heard by unintelligible[09:48:58]  
15 [00:12:58] the hearing officer one time and have  
16 that determination. But when we allow things to  
17 be pushed over or have to be redone, that's a  
18 multiplication of effort and it's a duplication ,  
19 and it's, and it's too, using too much time and  
20 resources to do the one thing. So this number,  
21 basically, is the number that gen-, that's self-  
22 generated, based on the experience we've had over  
23 the last 15 months. Yes?

24 MS. GRAHAM: Olga, what was that number?



1 August 12, 2021

2 MS. STATZ: It's 2-, so --

3 AMY SLIFKA, ESQ., DEPUTY

4 COMMISSIONER/HEARINGS DIVISION, OATH: Not to  
5 exceed 25.

6 MS. STATZ: Twenty-five.

7 MS. GRAHAM: Okay, thank you.

8 MS. STATZ: You're welcome.

9 MS. GRAHAM: That's my number, too.

10 That's why I was asking?

11 MS. STATZ: Yeah. I'm sorry?

12 MS. KLETTER: She said that's her  
13 number, too.

14 MS. GRAHAM: Shamonda Graham, Department  
15 of Buildings. We looked at this a long time ago.

16 [CROSSTALK] [09:49:42] [00:13:42]

17 MS. STATZ: Yeah, so you probably --

18 MS. GRAHAM: We looked at this a long  
19 time ago and we have the same, a similar number.  
20 We don't think any person can handle more than 25  
21 cases in a day.

22 MS. STATZ: Correct. Exactly. So I'm  
23 glad to know that it's confirmed. We, that's,  
24 that's what we came up with, as well.

1 August 12, 2021

2 Yes, Madelynn?

3 MS. LIGUORI: Madelynn Liguori,  
4 Sanitation. I just have a question to clarify,  
5 because of the 25-summons limit. What we've seen  
6 in these cases, typically, are many more  
7 summonses than that. Usually, one representative  
8 comes in for, let's say a group of 200 summonses.  
9 Would they be impacted, like --

10 MS. STATZ: Yes. What happens is that  
11 this is for individual attorneys. And what  
12 happens, most of the time, the, the reps and the  
13 attorneys work in firms. So, for example, you  
14 have Firm A. They have 10 attorneys. Each one  
15 of the 10 attorneys can have 25 cases. So the,  
16 the thing is it's 25 per individual attorney.  
17 But if a law firm has 10 attorneys, they can do  
18 2-, so the volume of, the normal volume is being  
19 handled, but it's being handled in, person by  
20 person, in a way that we can control the flow.

21 MS. LIGUORI: Right, no, I understand  
22 that, but --

23 [CROSSTALK] [09:50:52] [00:14:52]

24 MS. SLIFKA: Madelynn? Madelynn? Mad-

1 August 12, 2021

2 Madelynn, this is Amy Slifka from -- Amy Slifka.  
3 If, if you issue a posting case, for example, and  
4 it's all to the same respondent and it's 200  
5 summonses or such, we would allow the respondent  
6 to sign in for those cases, because it's one  
7 charge and, and we can handle that type of  
8 situation.

9 This is really where it's 25 separate  
10 cases, 25 different issues. So, but there are  
11 exceptions to even that. So, for example, for  
12 Shamonda Graham, if it's a failure to comply, and  
13 the person received 20 summonses with the same  
14 issue, we'll let them come in, plus a few more.  
15 So it, it, it varies. The sense is one attorney  
16 cannot handle 25 individual cases, more than that  
17 in a day.

18 MS. LIGUORI: Okay, understood --

19 MS. GRAHAM: Amy?

20 MS. LIGUORI: Do we need to clarify --

21 MS. GRAHAM: Amy? This is Shamonda.

22 That is great. That sounds good and I understand  
23 the concept of the issue. I do have one  
24 question, and it may be directed to the

1 August 12, 2021

2 Commissioner. I'm not sure. I know that the  
3 respondents will be, be able to elect to come in  
4 person. Does that have any bearing on the  
5 enforcement agencies? Or are we able to continue  
6 to appear remotely?

7 MS. KLETTER: Right. Yeah, it's up to  
8 the discretion of the agency.

9 MS. GRAHAM: Got it. Thank you.

10 MS. KLETTER: And that would be, since  
11 we know in advance which cases are going to be  
12 heard in person, the agency will be informed, you  
13 know, if they're interested in knowing whether  
14 the person is coming in person or by phone. They  
15 can make that determination as to whether they  
16 want to appear in person or not.

17 MS. SLIFKA: Right. I just, yeah,  
18 Shamonda, just included, eventually, included  
19 with the list that Lou sends daily, we will start  
20 to include those cases that are scheduled for in-  
21 person hearings for the respondent. I mean,  
22 again, it's your discretion whether to come or  
23 not.

24 MS. GRAHAM: Got it. So we'll have a

1 August 12, 2021

2 flag. But as far as, we get the cases from Lou,  
3 and that all makes sense, but we get those cases  
4 one day before the hearing. So, for us, even  
5 though I know we have the discretion to come in  
6 in-person, really, the one-day notice, can you  
7 imagine? You deal with the hearing officer --

8 MS. SLIFKA: Shamonda, Shamonda,  
9 Shamonda, you will get this list as we have it.  
10 It'll be updated daily.

11 MS. GRAHAM: Got it. Okay.

12 MS. SLIFKA: You'll get the list as we  
13 have it.

14 MS. GRAHAM: Okay. I appreciate that.

15 MS. SLIFKA: So you should be getting  
16 it, probably starting around next week.

17 MS. GRAHAM: Yeah, I'm not, I'm not even  
18 questioning that. I just wanted to note that you  
19 and I both know we can't get any of the attorneys  
20 to come in af-, with only one day. But, okay,  
21 thank you.

22 MS. KLETTER: So Madelynn just raised a  
23 good point, which is that the wording in this  
24 rule sort of states summons, and then, later on,

1 August 12, 2021

2 it states cases. And does it make sense to make  
3 it more consistent across the paragraphs?

4 MS. STATZ: So, Madelynn, if I'm  
5 understanding you correctly, are you looking at  
6 page 11? I'm looking at subsection (b) and  
7 subsection (c). It says no one registered  
8 representative or attorney shall appear by remote  
9 means on a single hearing date for no more than  
10 25 [unintelligible] [09:54:03] [00:18:03] cases.  
11 Instead of "summonses," you prefer the word  
12 "cases," right?

13 MS. LIGUORI: Yeah.

14 MS. STATZ: And also for (c). For each  
15 group of up to 25 cases to be heard on that date.  
16 Okay. But the rest of --

17 MS. KLETTER: No, because later, it says  
18 25 cases.

19 MS. STATZ: Yeah, well, I'm just noting  
20 on (c).

21 MS. KLETTER: Two areas.

22 MS. STATZ: I'm sorry, just (b), (2) (b)  
23 and (c). And, and then, however, for, for  
24 example, for (4), going up to (4), the use of

1 August 12, 2021

2 sum-, the use of the word "summonses" is correct,  
3 right? Because it says:

4 The attorney or registered  
5 representative calls in for their first  
6 scheduled hearing no later than the earliest  
7 scheduled hearing time as set forth on the  
8 summonses or rescheduled notices.

9 So that use of "summonses" is correct.

10 So what I need to look for when we go through  
11 this rule is just when we're talking about the  
12 abs-, the representation. So that's when I use,  
13 that's when you recommend that I use the word  
14 "cases" rather than the word "summonses." Is  
15 that correct?

16 MS. LIGUORI: Correct.

17 MS. STATZ: Okay, thank you. Okay. So  
18 the last line in (d), as well, that would be  
19 "cases," right?

20 Once a registered representative or  
21 attorney is assigned to appear on a group of  
22 cases, a different registered representative  
23 or attorney may not appear in that case.

24 Is that, is that--? Okay. So, so far,

1 August 12, 2021

2 I see, it's sugges- suggested that it's in (b),  
3 (c) and (d) for "summonses." Right, Madelynn?

4 MS. LIGUORI: Correct.

5 MS. STATZ: Thank you so much. And does  
6 anyone else have any questions? Thank you, then.

7 MS. KLETTER: Tom, did you have a  
8 question?

9 MR. SHPETNER: No, I'm just parsing the  
10 language, the basis of the suspension. I think  
11 you could actually leave it. I think we just  
12 need to kind of take a minute, you know.

13 MS. KLETTER: Yeah, yeah, let's all --

14 MS. STATZ: I'm going to -- yeah.

15 MS. KLETTER: I think Olga wants a  
16 little bit of time right now to review it.

17 MR. SHPETNER: Alright. Let me know  
18 when you're finished. Yeah.

19 MS. KLETTER: Okay. So we'll just  
20 pause. We're going to pause for two minutes so  
21 people can review the rule more thoroughly.

22 [OFF MIC CONVERSATION]

23 MS. STATZ: Look, what do you think,  
24 Madelynn?



1 August 12, 2021

2 The attorney or registered  
3 representative sub- submits only one list for  
4 a hearing date and submits that list  
5 electronically pursuant to the Tribunal's  
6 direction to a recipient designated by the  
7 Tribunal, regardless of the county in which  
8 the cases were scheduled.

9 Are we good?

10 MS. LIGUORI: Yeah.

11 MS. STATZ: Okay, yes.

12 [OFF MIC CONVERSATION]

13 MS. STATZ: Okay. Okay, terrific.

14 Thank you very much. Does anyone have, else have  
15 any questions, additional questions? Yes?

16 MR. SCHNEID: Yeah. My only question is  
17 about the timeframe. It sounded like when the  
18 agency says that they can only get one-day  
19 notice, here, where we're talking about three-day  
20 -day notice, is that for the respondents?

21 MS. STATZ: That's for the respondents.  
22 The respondents have to notify the agency of --  
23 when, when they're coming in with a volume of  
24 cases, they need to notify the agency at least

1 August 12, 2021

2 three days in advance in a form that, where the  
3 agency can actually process the, the sum-,  
4 process the summonses, process the cases, and  
5 ensure [unintelligible] [09:58:17] [00:22:17]  
6 ensure that the representative is actually  
7 representing that person, because that causes a  
8 lot of friction and difficulty. So it takes  
9 about three days. That's another trial-and-error  
10 timeframe. It takes about three days for us to  
11 do this properly. So that's why we're putting in  
12 that three days.

13 MS. KLETTER: Good? Okay. So thank you  
14 for those suggested edits. We are now going to  
15 ask for a motion to approve, with those, with the  
16 caveat that those edits will be made to the  
17 draft. But we, you know, we are trying to do  
18 this as expeditiously as possible because we,  
19 obviously, we want to get these rules in place as  
20 soon as possible.

21 MR. SHPETNER: Tom Shpetner, citizen  
22 member. Can we maybe just get a blackline  
23 afterwards?

24 MS. KLETTER: Yes, [unintelligible]

1 August 12, 2021

2 [09:59:18] [00:23:18].

3 MS. KLETTER: Is there a motion to  
4 approve? Thank you, Madelynn. I'm going to ask  
5 Joy [unintelligible] [09:59:25] [00:23:25].

6 MS. THOMPSON: Thank you. At this time,  
7 I'm going to ask, and instead of a roll call, I'm  
8 going to ask if there are any objections to the  
9 approval of the proposed rule that sets,  
10 clarifies remote hearings and appearances? Do we  
11 have any objections? Okay, at this point, this  
12 motion is approved unanimously. Thank you.

13 MS. GRAHAM: Hello, Olga? This is  
14 Shamonda Graham. I just want to note that I  
15 can't vote because I'm on via telephone. So I  
16 just wanted to make sure that's noted. I'm not  
17 sure if I should be abstaining.

18 And, then, I'm so sorry for being a bit  
19 behind. I am on the phone, so I did have one  
20 question. It doesn't require a change. But when  
21 the respondents notify the tribunal for the cases  
22 that they are intending on coming in on, is it  
23 possible to maybe have in the rule that they also  
24 notify the enforcement agency? So that way they

1 August 12, 2021

2 take some, some of the burden -- Amy, I am  
3 thinking that some of the burden can maybe shift  
4 from OATH to the respondent so that everybody is  
5 aware that they, they're coming in on so many  
6 cases. So that's a thought and a comment. Maybe  
7 we can adjust the rule.

8 MS. SLIFKA: Shamonda, as far as that  
9 goes, it's hard for them to send you the list at  
10 the same time they send us the list, because we  
11 actually check the list to make sure that they do  
12 appear on those 25 cases.

13 MS. GRAHAM: Oh, got it.

14 MS. SLIFKA: Yeah. And, and, and they -  
15 -

16 MS. GRAHAM: So what they send you, they  
17 may not appear on. I understand.

18 MS. SLIFKA: And I just want to make  
19 clear, I just have a question, actually, since  
20 you raised it. Cases equal summonses. I mean,  
21 we're just using the word "cases" as opposed to  
22 "summonses," right?

23 MS. STATZ: Amy, [unintelligible]  
24 [10:01:29] [00:25:29]. Amy, can you, can you say

1 August 12, 2021

2 that again? I didn't hear you.

3 MS. SLIFKA: Oh, are we talking about  
4 cases is the same as summonses?

5 MS. STATZ: I think that, that the point  
6 that Madelynn raised is cases really give the  
7 con-, the connotation that they're separate  
8 matters.

9 MS. SLIFKA: Okay.

10 MS. STATZ: And I just used, because,  
11 because I think that the point that Mad- Madelynn  
12 is trying to make is that she might have a, a  
13 situation where it's the same violation on 200  
14 summonses. Like I used the, those posting  
15 things. And she, she doesn't want there to be a  
16 misinterpretation that you can't do the whole 200  
17 same violation the same day. It's the same  
18 respondent, the same vi-, the same charge, the  
19 same ev- everything. So we're, the only reason  
20 we're using the word "cases" is just to give the  
21 connotation that it's separate matters, not just  
22 the physical summonses. Because you, it, as you  
23 said, there are situations where you will hear a  
24 block of 200 summonses at once. So I think that

1 August 12, 2021

2 that's just like the compromise language that  
3 we're coming up with to give the indication that  
4 we're talking about separate charges and separate  
5 stuff is going on. So we want to limit the  
6 people, individual attorneys to separate charges,  
7 25 separate charges, 25 separate things,  
8 basically.

9 MS. SLIFKA: I'm sorry I'm bringing this  
10 up late, but the problem is, sometimes a summons  
11 has more than one charge. And I don't know how  
12 that would impact it. And I, I, sorry I did not,  
13 this, I didn't get that originally.

14 MS. STATZ: Yeah. You, you know,  
15 somehow, somehow, even if it has one charge, if  
16 we, I suspect -- this is just my opinion at this  
17 point -- we use the word "case," we're still  
18 covered, because it's, it's broad enough that we  
19 can have two charges and one summons, because  
20 it's a case. It's like, it's one respondent with  
21 three charges and one summons. That's still a  
22 case, right?

23 MS. SLIFKA: Okay, okay.

24 MS. STATZ: If we say "summons," we're

1 August 12, 2021

2 talking about individual things. So I think --

3 MS. SLIFKA: Okay.

4 MS. STATZ: -- that "case" is a safer  
5 word.

6 MS. SLIFKA: Okay.

7 MS. KLETTER: And I just want to note  
8 for the record that Shamonda has an approved  
9 accommodation, so your vote does count.

10 [OFF MIC CONVERSATION]

11 MS. KLETTER: Shamonda --

12 [CROSSTALK] [10:03:48] [00:27:48]

13 MS. GRAHAM: Yes, and I'm sorry, guys,  
14 for coming in so late. I am here. I'm so sorry  
15 for coming in so late. Shamonda Graham,  
16 Department of Buildings. When I say late, I just  
17 mean with my comments to the rule. I see we got  
18 this last night and I'm kind of on one leg, so  
19 that's why I have my reasonable accommodation.

20 But I understand your point, Amy, about  
21 them not being able to notify the issuing  
22 agencies, but I do take note that the other issue  
23 you're raising, "issue" versus "case," we should  
24 be really, really, really careful. And we may

1 August 12, 2021

2 even want to add, to add some language that  
3 clarifies. And it is going to be very hard to  
4 word it, unless you guys think "case" suffices,  
5 but to clarify that, hey, if you have 25 or 15  
6 summonses and they're all failure to comply as it  
7 would relate to DOB, then that would be  
8 considered one issue because there's only one  
9 problem. And you will need to deal with the fact  
10 that a summons from DOB and other enforcement  
11 agencies may contain more than one violating  
12 condition. I mean that's the difference between  
13 issuing 10 summonses and one in some cases.

14 MS. STATZ: Well, Shamonda, though,  
15 though I see, I see your point, but the, I think  
16 that "case" is the safest word for us to use  
17 because we can, we can, it's more elastic than,  
18 than the word "summons." And, also, the word  
19 "issue" doesn't appear in this rule. So, and we  
20 kind of specifically avoided words that focus on  
21 the substance of, of the violations. We're just  
22 focusing on it's a case. It could have, it could  
23 be one summons with two charges in it, it could  
24 be one summons with one charge against this guy,



1 August 12, 2021

2 and then he has [unintelligible] [10:05:38]  
3 [00:29:38].

4 So I think that the word "case" gives  
5 the agency -- because one of the things that we  
6 have to keep in mind when we do rules is that you  
7 can't cover every situation. You always have to  
8 give flexible enough words to allow the agency to  
9 kind of move around with it based on what's  
10 actually happening on the ground. And I think  
11 that, in this, in this situation, the word "case"  
12 is probably the safest one. But I'm happy, if  
13 you e-mail me something, I'm happy to take a look  
14 at it and see, and then discuss it with the Law  
15 Department and see what we can do about it. But  
16 I think, at this point, maybe staying with "case"  
17 would be a good idea. But I'm happy to get  
18 anything, to take anything, e-mail me and discuss  
19 with you.

20 MS. GRAHAM: Okay. Well, for my team,  
21 it's fine. Just to be clear, for Department of  
22 Buildings, this is fine, the way that it's  
23 worded. I'm thinking about respondents. They  
24 may play with the wording here.

1 August 12, 2021

2 MS. STATZ: Okay. Okay, thank you so  
3 much.

4 MS. KLETTER: So, Shamonda, just to  
5 clarify, is your vote a yes on the, the vote we  
6 just --

7 MS. GRAHAM: I'm sorry, go -- I can't  
8 vote. I can't vote, unfortunately.

9 MS. KLETTER: I'm saying, I'm saying  
10 that you can vote.

11 MS. GRAHAM: I can?

12 MS. KLETTER: Yes.

13 MS. STATZ: Because you have a  
14 reasonable --

15 MS. GRAHAM: Oh, well, then --

16 MS. KLETTER: You have an accommodation.  
17 Yes.

18 MS. GRAHAM: Okay. Well, then, I'm  
19 voting yes. Yes, I'm fine with it.

20 MS. KLETTER: I'm now going to introduce  
21 the proposed rule repealing OATH's Sanitation  
22 penalty schedule, by Olga Statz.

23 MS. STATZ: Thank you, Commissioner.

24 Yes. As you know, since approximately 2016, OATH

1 August 12, 2021

2 and ECB have been divesting, has been divesting  
3 itself of all penalty schedules. And for, and  
4 the majority of the penalty schedules are now no  
5 longer in OATH's rules. They are now in the,  
6 within the rules of the enforcement agencies.

7 We have just a handful left, and with  
8 Sanitation as one of, as one of the rules.  
9 Sanitation, Department of Sanitation is, is  
10 putting together its penalty schedule. And in  
11 order for that penalty schedule to take effect,  
12 we have to be able to repeal ours. So this is  
13 the first stage in the repealing of the OATH  
14 Sanitation penalty schedule to allow them -- and  
15 we'll be coordinating with the Department of  
16 Sanitation so that our complete repeal would take  
17 place as their, as their penalty schedules are  
18 adopted.

19 So this is the first stage of that. If  
20 you have any questions, I'm happy to answer them.

21 MS. KLETTER: Thank you. Is there a  
22 motion to approve?

23 MS. LIGUORI: Motion.

24 MS. KLETTER: Thank you. Thank you,

1 August 12, 2021

2 Madelynn. I'm going to ask Joy to do a roll call  
3 vote.

4 MS. THOMPSON: Thank you, Commissioner.  
5 And to clarify, for this particular proposed  
6 rule, I'm going to just ask if there are any  
7 objections to OATH's repealing its Sanitation  
8 penalty schedule.

9 MR. SHPETNER: This is Tom Shpetner,  
10 citizen member. I'm not objecting, I'm  
11 abstaining.

12 MS. THOMPSON: Thank you, Tom. So we  
13 have one abstention. Any other opposed or  
14 abstaining on this vote? Then the motion does  
15 pass. Thank you.

16 MS. KLETTER: Thank you very much. I'm  
17 now going to introduce OATH's resolution to  
18 approve a temporary program to resolve  
19 outstanding Environmental Control Board  
20 judgments, by Sam Solomon.

21 SAMUEL SOLOMON, ESQ., CHIEF OF  
22 STAFF/SPECIAL COUNSEL, OATH: Thank you very  
23 much. Sam Solomon, Chief of Staff and Special  
24 Counsel at OATH. I will read the resolution

1 August 12, 2021

2 because it's quite brief, and I want to make sure  
3 everyone has a chance to hear just what's in it.  
4 And then I'll make a couple of notes for your  
5 background on the first resolution.

6 Pursuant to Local Law 80 of 2021, which  
7 establishes a temporary program to resolve  
8 the outstanding judgments imposed by the ECB,  
9 the Board hereby concurs with the  
10 Commissioner of Finance establishing a  
11 temporary program to resolve outstanding  
12 judgments for a 90-day period, to be  
13 effective during the fiscal year that  
14 commenced on July 1, 2021, provided that such  
15 period may be extended for an additional  
16 period of 90 days by rule of the Commissioner  
17 of Finance, if such Commissioner determined  
18 that such an extension would encourage  
19 further resolution of outstanding judgments,  
20 generate revenue for the City and reduce the  
21 amount of outstanding debt owed to the City.

22 This temporary program will permit  
23 respondents who are subject to default  
24 judgments to resolve those judgments by

1 August 12, 2021

2 payment of base penalties without payment of  
3 full penalties and accrued interest.

4 It will also permit respondents subject  
5 to judgments entered and docketed after  
6 adjudication and finding of violation to  
7 resolve those judgments by payment of 75  
8 percent of imposed penalties, without payment  
9 of accrued interest, if the judgment was  
10 entered prior to March 7, 2020, or 25 percent  
11 of the imposed penalty without payment of  
12 accrued interest if the judgment was entered  
13 and docketed on or after March 7, 2020.

14 MS. KLETTER: And just to be clear, that  
15 language comes from the bill. And I wonder if it  
16 makes sense to circulate a copy of the bill,  
17 which we can do, which was passed by the City  
18 Council maybe two months ago.

19 MR. SCHNEID: The defined period itself  
20 is in the bill?

21 MR. SOLOMON: That is correct. So the  
22 90-day period is the one that was established by  
23 law, with the possibility of 90-day extension by  
24 the Commissioner of Finance.

1 August 12, 2021

2 The, and just a couple of notes that I  
3 have on this. And the law was passed by the  
4 Council unanimously in June. And the program is  
5 required to be run by the Department of Finance  
6 during this, this current fiscal year. A start  
7 date has not yet been announced publicly, and the  
8 program has not begun yet. It only applies to  
9 debt owed as a result of judgments imposed by the  
10 Environmental Control Board.

11 Prior programs similar to this one were  
12 adop-, were operated in 2009 and 2016. And the  
13 local law requires the Department of Finance to  
14 perform public education about this opportunity  
15 for respondents who owe debt to the City. And  
16 once those materials, public materials are made  
17 available, OATH will ensure that interested  
18 respondents who have inqui- inquired with our  
19 staff are informed about the opportunity.

20 And then, lastly, the City has asked the  
21 ECB for approval of this measure in order to  
22 ratify the authority of the Department of Finance  
23 to offer this [unintelligible] [10:12:36]  
24 [00:36:36] debt owed to the City under the local

1 August 12, 2021

2 law.

3 MS. KLETTER: Any questions? Questions?  
4 Matt?

5 MR. SCHNEID: Can you just further  
6 explain how you're going to get the word out and  
7 what that looks like?

8 MR. SOLOMON: Yes. We, this program,  
9 because it's run through the Department of  
10 Finance, we will be referring people to the  
11 Department of Finance to actually make their  
12 applications for amnesty. But we will make  
13 information available both on our website, and  
14 then we also plan to have physical materials  
15 available at our offices and the respondents will  
16 be able to take it with them [unintelligible]  
17 [10:13:14] [00:37:14].

18 MS. KLETTER: We do a, we do a lot of,  
19 we do a lot of outreach with elected officials  
20 and their staff in various places through our  
21 Deputy Commissioner of External Affairs and our  
22 Deputy Commissioner of Intergovernmental Affairs.  
23 So we'll make sure that the, that --

24 MR. SCHNEID: But there's no, like,



1 August 12, 2021

2 notice sent to everyone who has a judgment?

3 MR. SOLOMON: No, not to my knowledge.

4 MR. SCHNEID: Well, once you get the  
5 [unintelligible] [10:13:43] [00:37:43], you will  
6 just send around the materials [unintelligible]  
7 [10:13:45] [00:37:45]?

8 MR. SOLOMON: Yes, absolutely.

9 MS. KLETTER: Yeah. I mean, I think  
10 it's worth having conversations with the Mayor's  
11 Office to make sure that, that this is being done  
12 centrally, because it's multi-agency and they  
13 should be getting the word out. So we'll make  
14 sure we do that. Any further questions?

15 I'm going to ask for a motion to approve  
16 the resolution. Thank you, Madelynn. I'm going  
17 to ask for Joy to call a vote.

18 MS. THOMPSON: Thank you. Okay. And so  
19 we're going to just ask, again, for any op-  
20 position to the approval of the resolution that  
21 will, approves a temporary program to resolve  
22 outstanding ECB Board judgments. At this time,  
23 I'll ask if there are any opposition?  
24 Abstentions? I'm not seeing or hearing any. The

1 August 12, 2021

2 motion is approved unanimously. Thank you.

3 MS. KLETTER: Great. Thank you. And  
4 Peter Schul- Schulman will be circulating the  
5 bill, so you should be getting an e-mail shortly.  
6 He has a copy.

7 I am now going to ask Kelly Corso to  
8 introduce the pre-sealing reports.

9 KELLY CORSO, ESQ., ASSISTANT  
10 COMMISSIONER FOR HEARINGS DIVISION ADJUDICATIONS,  
11 OATH: Good morning, everyone. Can you hear me?

12 MS. KLETTER: Yes.

13 MS. CORSO: Great, thank you. So we  
14 have four pre-sealing reports today for the  
15 Board. All of them involve backflow violations.  
16 One of them is going to be a recommendation for  
17 water shut-off, so I'm going to do that one last.

18 The other three cases, the hearing  
19 officers agreed with DEP's recommendation that  
20 there be no further action for these, because the  
21 respondents provided evidence of compliance at  
22 the hearings. So those are the, the first three.

23 The water shut-off, shut-off case is,  
24 this case goes back to April 2012. The

1 August 12, 2021

2 respondent is 2710-2714 Broadway, LLC, and the  
3 premises is located at 2710 Broadway in  
4 Manhattan. And it is occupied by a City MD  
5 urgent care and an English language school.

6 So back in April 2012, DEP issued a  
7 Commissioner's order for the respondent to  
8 install backflow prevention device and it warned  
9 the respondent that, if they did not comply, that  
10 the water would be shut off.

11 Then, in August of 2014, DEP issued a  
12 summons to the respondent because the respondent  
13 has failed to comply with the order. The  
14 respondent did not appear for the hearing and a  
15 default decision was issued to the respondent.

16 Then, in June of 2016, the Board issued  
17 a cease and desist order to the respondent  
18 because respondent still had not complied with  
19 the Commissioner's order. A cease and desist  
20 order directed the respondent to appear for a  
21 special hearing on August 13, 2016, to show why  
22 the water supply to the premises should not be  
23 shut off. Respondent did not appear for that  
24 hearing and the respondent, in fact, did not

1 August 12, 2021

2 reach out to OATH to reschedule the hearing until  
3 November of 2019.

4 After a number of reschedules, the first  
5 special hearing occurred on October 27, 2020.  
6 Since then, the case has been adjourned six times  
7 for the respondent to comply with the  
8 Commissioner's order. Respondent's  
9 representative was advised at the hearings that  
10 the water would be shut off if the respondent  
11 continued to ignore the order to comply.

12 At the last hearing, on July 6, 2021,  
13 the respondent's representative offered no  
14 evidence to indicate that substantial progress  
15 has been made towards compliance and, to this  
16 date, the backflow device has not been installed.

17 So DEP recommended at the last hearing  
18 that the water service to the premises be  
19 terminated, since the respondent has failed to  
20 comply with the order. And based on the lengthy  
21 history of the case and respondent's continued  
22 failure to comply with the order, the hearing  
23 officer agrees with DEP's recommendation that the  
24 water to the premises be shut off.

1 August 12, 2021

2 Questions?

3 MR. SHPETNER: Hi. This is Tom  
4 Shpetner, citizen member. Has, has respondent's  
5 representative given any reason for their  
6 dilatory behavior? I don't know, Kelly, can you  
7 hear me?

8 MS. CORSO: No, Tom. Can you repeat  
9 what you said?

10 MR. SHPETNER: Yeah. Really, just  
11 briefly, have they given any excuse or kind of an  
12 explanation for their dilatory behavior?

13 MS. CORSO: It doesn't seem like it.  
14 And, in fact, at one point they said that they  
15 wanted an adjournment to get their final test  
16 results approved for the backflow prevention  
17 device. And then, it turn, they turn around at  
18 the next hearing and we find out that they  
19 actually haven't even had it installed. So  
20 there's a lot of, it seems like that the  
21 respondent may not be communicating much with the  
22 representative who is showing up for, for the,  
23 the hearings.

24 MR. SHPETNER: And just one other

1 August 12, 2021

2 question. The respondent is not the same party  
3 as either the school or the doctor's office, is  
4 it?

5 MS. CORSO: I don't believe so.

6 MR. SHPETNER: Okay, thanks, Kelly.

7 MS. KLETTER: Okay, thank you. I'm  
8 going to ask if there's a motion to approve.

9 MR. SCHNEID: I, I [unintelligible]  
10 [10:19:58] [00:43:58] question. I want to  
11 understand.

12 MS. KLETTER: Okay.

13 MR. SCHNEID: So the water shuts off,  
14 even though the doctor's office isn't involved.  
15 So they lose their water, as well, even though  
16 it's the landlord who didn't take the action.  
17 Are they made aware of what's going on before  
18 this happens?

19 MS. CORSO: I have to defer to Russ on  
20 that one. Russ?

21 RUSSELL PECUNIES, ESQ., DEPARTMENT OF  
22 ENVIRONMENTAL PROTECTION (DEP): Yes. Yeah,  
23 Russell Pecunies with DEP. So once we get the  
24 Board letter, a copy of the Board letter

1 August 12, 2021

2 directing that the water be turned off, we would  
3 have inspectors go to the premises and basically  
4 -- I mean, we, we're not going to go -- there's a  
5 process in turning the water off. The street or  
6 the sidewalk have to be marked. Then, then it  
7 will not just be that somebody will show up there  
8 and turn the water off. They will have sort of  
9 one last-ditch opportunity to come into  
10 compliance before the water gets turned off.

11 MR. SCHNEID: And the tenants themselves  
12 get notified?

13 MR. PECUNIES: Who?

14 MR. SCHNEID: The, the, the occupants of  
15 the building. It sounds like it's --

16 MR. PECUNIES: The tenants will be, yes.  
17 We send an inspector there. We have notices that  
18 say the water to this premises will be terminated  
19 on Thursday, whatever it is, due to failure to  
20 comply with the cease and desist order. They  
21 would be posted on the premises. So the tenants  
22 will be aware.

23 MS. KLETTER: Anything else? Is there a  
24 motion to approve? Thank you, Madelynn. I'm

1 August 12, 2021

2 going to ask Joy to call the vote.

3 MS. THOMPSON: Thank you, Commissioner.  
4 At this time, I'm going to ask if there are any  
5 objections or abstentions to the motion that we  
6 approve the full pre-sealing report as presented  
7 by Kelly Corso? Okay. Hearing and seeing none,  
8 the motion passes.

9 MS. KLETTER: Thank you. I'm now going  
10 to ask for a motion to go into executive session  
11 to discuss some recent cases. Thank you,  
12 Madelynn. The motion to go into executive  
13 session is approved. So everyone other than OATH  
14 ECB Staff and ECB members must leave the room or  
15 sign off until a motion to return to public  
16 session.

17 MR. SCHULMAN: Okay. If you're not OATH  
18 and you want to stay on, I will move you to a  
19 waiting room and then bring you back once the  
20 executive session is done.

21 [OFF THE RECORD]

22 [ON THE RECORD]

23 MR. SCHULMAN: We're good.

24 MS. KLETTER: Okay, great. Thank you.



1 August 12, 2021

2 Does the Board have any additional questions?

3 Yes, Madelynn?

4 MS. LIGUORI: What is the October date?

5 MS. KLETTER: So the proposed dates  
6 right now are October 4th or October 5th. Is  
7 there some, a date that folks prefer?

8 [CROSSTALK] [10:28:18] [00:47:18]

9 MS. KLETTER: We would bring a cake, but  
10 literally, none of us are eating. I would have  
11 brought donuts today, but, like, I didn't think  
12 it was appropriate for us to be eating. And  
13 especially with the masks, so. Okay, great.  
14 Alright. So the next Board Meeting will be  
15 October 5th. Are there any comments from the  
16 public? No? Then I ask for a motion to adjourn  
17 the meeting. Thank you, Tom. The meeting is  
18 adjourned.

19 MS. THOMPSON: Thank you.

20 ALL: Thank you.

21 (The board meeting concluded at 10:29  
22 A.M.)

23

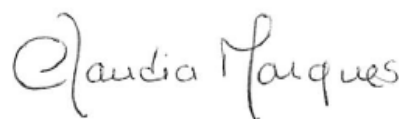
24

Environmental Control Board, 8/12/2021

CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of Board Meeting of the Environmental Control Board on August 12, 2021, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



---

Date: August 23, 2021

GENEVAWORLDWIDE, INC

256 West 38th Street - 10th Floor

New York, NY 10018