

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
RENT STABILIZATION BOARD

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

Union City City Hall
2nd Floor Courtroom
3715 Palisade Avenue
Union City, New Jersey

Monday, March 11, 2024
Commencing at 6:54 p.m.

M E M B E R S P R E S E N T:

JUAN MILAN, CHAIRMAN
SANDRA VASQUEZ, VICE CHAIRPERSON
NORMA GUEVARA, COMMISSIONER
ROSANA COLON, COMMISSIONER
YAMIRUS HOLGUIN, COMMISSIONER

M E M B E R S A B S E N T:

YDALY POZO, COMMISSIONER
ORQUIDIA SANCHEZ, COMMISSIONER

A L S O P R E S E N T:

NEIL D. MAROTTA, ESQ., Board Counsel
KENNEDY NG, Administrator
CHRISTINA M. RIVERA, ESQ., Tenant Advocate
FRANCOIS NUNEZ, Staff Member
CASMILA SOLIS, Staff Member
JOSE GONZALEZ, Interpreter

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letter dated 12/14/22

44

1 MR. NG: Good evening, everybody. This
2 is the meeting of the Rent Leveling Board. Today
3 is March 11, 2024, it is now -- the time is 6:54
4 and I really apologize because the court was
5 closed and it was miscommunication, but we solved
6 it. The important thing is that we are here. We
7 are in the municipal court chambers, 3715 Palisade
8 Avenue, Union City, New Jersey.

9 Pursuant to the Open Public Meetings
10 Act, adequate notice of this meeting was provided
11 to The Bergen Record, The Jersey Journal, North
12 Hudson Reporter more than 72 hours in advance of
13 the meeting and is posted at the municipal
14 offices. The notice include the date, time,
15 location, and to the extent known the agenda of
16 the meeting. Please rise for the flag salute.

17
18 (The Pledge of Allegiance was recited.)
19

20 **ROLL CALL:**
21

22 MR. NG: At this time, we're going to
23 have roll call.

24 Commissioner Norma Guevara.

25 COMMISSIONER GUEVARA: Yes.

1 MR. NG: Commissioner Ydaly Pozo, she
2 called, she has an emergency.

3 Commissioner Yamirus Holguin.

4 COMMISSIONER HOLGUIN: Here.

5 MR. NG: Commissioner Vice Chairman
6 Sandra Vasquez.

7 VICE CHAIRPERSON VASQUEZ: Yes.

8 MR. NG: Commissioner Rosana Colon.

9 COMMISSIONER COLON: Yes.

10 MR. NG: Chairman Juan Milan.

11 CHAIRMAN MILAN: Yes.

12 MR. NG: Interpreter, Jose Gonzales.

13 MR. GONZALEZ: Here.

14 MR. NG: So we have a quorum. Mr.
15 Marotta, we have a quorum, so we can follow up.

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1 **317 29th Street, Apt. 8, 11 & 12 -**

2 **Capital improvement:**

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4 MR. MAROTTA: We can proceed. We do
5 have three matters on tonight that are capital
6 improvement matters. The property owner needs to
7 postpone the matters as he's attending colleges
8 with his daughter out of state. Since this is a
9 matter that would result in an increase going
10 forward, I don't see an issue with that
11 postponement being granted. It is his application
12 on the document. And it will only affect the
13 tenant if the board permits an increase.

14 So I think that's also a good cause
15 anyway.

16 CHAIRMAN MILAN: It's the first time
17 that he's also asked for it or is this a couple?

18 MR. MAROTTA: I do not recall.

19 MR. NG: I believe it's the first time.

20 CHAIRMAN MILAN: Okay. Based on that,
21 I'll make a motion that we postpone 317 29th
22 Street, apartment 8, 11, and 12 until
23 administrator is able to easily slate those cases
24 back in the agenda.

25 MR. NG: Motion was made by our

1 chairman, Mr. Milan, and I will need a second.

2 COMMISSIONER COLON: I second it.

3 MR. NG: Commissioner Rosana Colon

4 seconded it. Roll call.

5 Commissioner Norma Guevara.

6 COMMISSIONER GUEVARA: Yes.

7 MR. NG: Commissioner Yamirus Holguin.

8 COMMISSIONER HOLGUIN: Yes.

9 MR. NG: Vice Chairwoman Sandra Vasquez.

10 VICE CHAIRPERSON VASQUEZ: Yes.

11 MR. NG: Commissioner Rosana Colon.

12 COMMISSIONER COLON: Yes.

13 MR. NG: Chairman Juan Milan.

14 CHAIRMAN MILAN: Yes.

15 MR. NG: Motion has passed.

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1 **717 16th Street, Apt. #2 -**

2 **Rent dispute:**

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4 MR. MAROTTA: Okay. And then we have
5 two other matters on this evening. I know that
6 the one is a continuation regarding a new
7 construction claim, 510 45th Street. And there's
8 also 717 16th Street, apartment 2, which is a rent
9 dispute. I believe that the tenant is here, but I
10 do not believe the property owner is present. So
11 in that regard, I would only request that we check
12 whether notice -- I did forget -- okay.

13 Mr. Gonzalez, we don't need an
14 interpreter this evening.

15 MR. GONZALEZ: Okay.

16 MR. NG: If you want to stay, you can
17 stay.

18 MR. GONZALEZ: Good bye.

19 MR. MAROTTA: I just want the record to
20 reflect you were here tonight.

21 So with regards to 717 16th Street, I'm
22 just going to ask can we confirm notice was sent
23 to the property owner at 717 16th Street?

24 MR. NUNEZ: Yes, I did. Casmila?

25 MS. SOLIS: Yes, I did.

1 MR. MAROTTA: By certified mail?

2 MS. SOLIS: Certified mail.

3 MR. MAROTTA: Did you speak to the
4 property owner at all?

5 MS. SOLIS: After I sent?

6 MR. MAROTTA: After you sent the notice?

7 MS. SOLIS: No, I have not.

8 MR. MAROTTA: Have you received any
9 request in person or by regular mail or email
10 requesting a postponement of this matter?

11 MS. SOLIS: No.

12 CHAIRMAN MILAN: Did we get the green
13 card back?

14 MS. SOLIS: I think we did. I could go
15 check.

16 MR. MAROTTA: We sent it regular and
17 certified?

18 MS. SOLIS: Yes.

19 MR. MAROTTA: Okay. I'm just going to
20 ask the tenant to step up for a moment.

21 Mr. Valerio, can you state your name for
22 the record?

23 MR. VALERIO: Diego Valerio.

24 MR. MAROTTA: And would you like it
25 spelled?

1 MR. VALERIO: D-I-E-G-O. Valerio,
2 V-A-L-E-R-I-O.

3 MR. MAROTTA: Do you mind raising your
4 right hand?

5
6 D I E G O V A L E R I O, after having been duly
7 sworn or affirmed, did testify as follows:

8
9 MR. MAROTTA: Just for the purposes of
10 notice, did you hear from the property owner at
11 all concerning this meeting?

12 MR. VALERIO: Not specifically this
13 meeting, but we spoke about it before.

14 MR. MAROTTA: Okay.

15 MR. VALERIO: About the procedures and
16 what was next and all that. Not specifically
17 about us meeting here today.

18 MR. MAROTTA: Okay.

19 MR. VALERIO: I just followed the notice
20 I got.

21 MR. MAROTTA: Of course, okay. So it's
22 the board's pleasure. There's --

23 MR. NG: Can I ask Casmila? Casmila,
24 have you had any communication through the
25 computer at all with the owner?

1 MS. SOLIS: After I sent the letter?

2 MR. NG: In the past?

3 MS. SOLIS: Yes.

4 MR. NG: You haven't received an email
5 today?

6 MS. SOLIS: No.

7 MR. NG: I just want to know.

8 MS. RIVERA: At this time, I'd like to
9 make a motion to dismiss this appeal for lack of
10 prosecution because he was noticed and he failed
11 to appear.

12 MR. MAROTTA: Up to the board on its
13 preference regarding this matter.

14 MR. VALERIO: Just to add real quick,
15 with this, I think about specifically because, you
16 know, I think last month -- the rent for last
17 month was supposed to be whatever I was paying
18 before. And so I sent them the new amount, you
19 know, due to the calculation you guys did here in
20 the rent control. And he actually reached out to
21 me why -- you know, why I send that amount and
22 not -- and I explained to him that he should be
23 following -- I should be following at this point
24 whatever is in the rent calculation. And he said
25 okay, I appealed it. And we're going to go to

1 court. I said that's fine. So he should be aware
2 that he should have been here today.

3 MR. MAROTTA: Okay.

4 CHAIRMAN MILAN: Okay, fine. I'll make
5 a motion that we dismiss case due to lack of
6 prosecution based on the information we have
7 received from the administration office. However,
8 I'm going to say that for a period of -- what do
9 we normally give?

10 MR. MAROTTA: 30 days.

11 CHAIRMAN MILAN: For a period of
12 30 days, if landlord were to come back to
13 administrators and say, look, I've been in the
14 hospital or some other emergency --

15 MR. NG: Exactly, with proof.

16 CHAIRMAN MILAN: -- I never received
17 this, you don't have the green back, whatever.
18 Then we may reopen the case.

19 MR. MAROTTA: Okay.

20 MR. NG: So --

21 VICE CHAIRPERSON VASQUEZ: I'll second
22 that.

23 MR. NG: Motion was made by Mr. Milan,
24 our chairman.

25 VICE CHAIRPERSON VASQUEZ: I'll second

1 it.

2 MR. NG: Seconded by our Vice Chairman
3 Sandra Vasquez. Roll call.

4 Commissioner Norma Guevara.

5 COMMISSIONER GUEVARA: Yes.

6 MR. NG: Commissioner Yamirus Holguin.

7 COMMISSIONER HOLGUIN: Yes.

8 MR. NG: Commissioner Vice Chairwoman
9 Sandra Vasquez.

10 VICE CHAIRPERSON VASQUEZ: Yes.

11 MR. NG: Commissioner Rosana Colon.

12 COMMISSIONER COLON: Yes.

13 MR. NG: Chairman Juan Milan.

14 CHAIRMAN MILAN: Yes.

15 MR. NG: Motion has passed.

16 MR. MAROTTA: We have one more matter on
17 this evening --

18 MR. VALERIO: I'm done?

19 MR. MAROTTA: If it does go back on,
20 we'll send you another notice.

21 MR. VALERIO: Thank you.

22

23

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25

1 **510 45th Street, Apt. #403 -**

2 **New construction:**

3
4 MR. MAROTTA: Okay. We do have one more
5 matter, it's 510 45th Street. I believe the
6 property owner is here, Mr. Vaysman, if you'd like
7 to please approach. Okay.

8 CHAIRMAN MILAN: Are you representing
9 yourself?

10 MR. VAYSMAN: Yes.

11 CHAIRMAN MILAN: Fine.

12 MR. MAROTTA: Now, Mr. Vaysman was here
13 at the December meeting. And if you recall, at
14 that meeting, the tenant also testified. And the
15 tenant testified that she did not receive a notice
16 that there was -- that the property was exempt
17 from rent control, a pre-lease notice. She did
18 not have a lease with her, she did not have her
19 lease. And then the question was put if Mr.
20 Vaysman was able to obtain any additional
21 information from the prior property owner. And
22 also, Chairman Milan, you requested that the
23 building department bring a copy of the -- the
24 file to this meeting to review and see if there
25 was anything further.

1 We do have Leslie Diaz here tonight
2 ready to testify concerning her search of the
3 file. And anybody can take a look at the file
4 under our supervision. And at this point, I
5 believe I'll turn it over to counsel for -- well,
6 Mr. Vaysman and the tenant advocate for their
7 discussion.

8 MR. VAYSMAN: So the only thing I want
9 to add that I have a witness who brought that
10 paper in question in '16. But besides the point,
11 I don't know what your search found, no idea. But
12 the tenant who was complaining is no longer
13 interested in this case, I have a letter from her.
14 And she says basically kindly withdraw my
15 complaint against 510 Property Management, LLC.

16 MS. RIVERA: So Mr. Vaysman just showed
17 it to me and I have no way of knowing if that was
18 actually written by her. It's a computer
19 signed --

20 MR. MAROTTA: So it's not acknowledged?

21 MS. RIVERA: It's not acknowledged, it's
22 like a font with a script font.

23 MR. MAROTTA: Just for the record, so
24 the board understands. The question here is
25 whether or not this building is exempt from rent

1 control, okay. So that is the primary focus. The
2 tenant is, in her instance, whether she has any
3 claim against the property owner or not, she can
4 pursue that separately. If the board makes a
5 determination either in her specific instance,
6 based upon the facts that had already been
7 presented, whether the property was exempt or not.
8 But also the primary issue is still relevant as to
9 whether or not the property is exempt from rent
10 control.

11 MR. VAYSMAN: So from my standpoint
12 every paperwork is there except one piece of paper
13 that's missing from 2016. And I have the paper
14 from the previous ownership, I have the person who
15 was building that building, involved in the
16 construction, bringing the paper to department of
17 building. Unfortunately, there's no trace of that
18 paper in the department of building. That's the
19 issue.

20 CHAIRMAN MILAN: We'll ask the
21 representative from the building department in a
22 few minutes and see what happens.

23 MR. VAYSMAN: So when we do our search
24 when we're buying a property, we do the due
25 diligence. All paperwork is submitted to us by

1 the previous ownership and that's how it works.
2 So we verified as much as we possibly could.
3 Unfortunately, the issue came up and that's the
4 result.

5 MR. MAROTTA: Okay.

6 CHAIRMAN MILAN: Okay.

7 MR. MAROTTA: So I'll call Ms. Diaz to
8 testify.

9 CHAIRMAN MILAN: Unless tenant advocate
10 has any other points before that?

11 MS. RIVERA: No, no. Because my client
12 testified last time -- or the tenant testified
13 last time and the record speaks for itself.

14 CHAIRMAN MILAN: Okay. Ms. Diaz,
15 please, if you could come up.

16

17 L E S L I E D I A Z, after having been duly
18 sworn or affirmed, did testify as follows:

19

20 MR. MAROTTA: Thank you for joining us
21 today.

22 MR. NG: Thank you for coming.

23 MS. DIAZ: You're very welcome.

24 MR. MAROTTA: So, Ms. Diaz, I'm going to
25 ask you some basic questions concerning this

1 matter and then both parties will have an
2 opportunity to ask you questions as well.

3 MS. DIAZ: Of course.

4 MR. MAROTTA: So can you state for the
5 record your position with the City of Union City?

6 MS. DIAZ: Yes. I'm a technical
7 assistant for the building department. I've been
8 there for about 15 years, and that's pretty much
9 what I do. I was the one assigned to this case.

10 MR. MAROTTA: Okay. And when you say
11 you were assigned to this case, you do realize
12 that the rent control office submitted an
13 interoffice memo to -- intra-office memo to you
14 requesting whether or not there was a claim of
15 exemption?

16 MS. DIAZ: That's correct, originally in
17 June of 2022 to be exact.

18 MR. MAROTTA: Okay. And did you find a
19 claim of exemption in the file?

20 MS. DIAZ: I found no such letter.

21 MR. MAROTTA: Okay. And you reviewed
22 the complete file?

23 MS. DIAZ: I did.

24 MR. MAROTTA: Okay. And in preparation
25 of tonight's meeting, did you have a chance to

1 look at the file again?

2 MS. DIAZ: I did, absolutely. I went
3 over it several times and unfortunately nothing
4 was found.

5 MR. MAROTTA: Okay. On that basis, I
6 have no further questions to establish the issue
7 of whether or not there was a claim of exemption
8 in the file -- other than one thing.

9 There was testimony at the prior meeting
10 that a Mr. Fernandez had submitted the file to the
11 construction code office.

12 MS. DIAZ: Okay.

13 MR. MAROTTA: The building department.
14 Do you know Mr. Fernandez?

15 MS. DIAZ: I do not, no. That name does
16 not ring a bell.

17 MR. MAROTTA: So as far as you know, Mr.
18 Fernandez did not work in your department?

19 MS. DIAZ: No. I've been there for
20 15 years and I've never heard of Mr. Fernandez in
21 that department.

22 MR. MAROTTA: Do you know if he works
23 with any other department?

24 MS. DIAZ: Could be another department,
25 but definitely not the building department.

1 MR. MAROTTA: Okay, thank you. Anybody
2 else, questions?

3 MS. RIVERA: This is the only file that
4 that exemption letter would be in?

5 MS. DIAZ: Yes. This is the original
6 file for the new construction and this is where we
7 would place it.

8 MS. RIVERA: You looked cover to cover?

9 MS. DIAZ: Cover to cover, several
10 times.

11 MS. RIVERA: And there's nothing in
12 there?

13 MS. DIAZ: Yes.

14 MR. VAYSMAN: So in February 2016, if
15 the person brings the paperwork regarding the new
16 construction, what's the process?

17 MS. DIAZ: Well, the process is new
18 owners of new construction residential, if they're
19 interested in actually being exempt from rent
20 control, they have to submit notice 30 days prior
21 to the sale being issued. And that's pretty much
22 it.

23 MR. VAYSMAN: How do they submit -- I'm
24 interested in the physical interaction. They come
25 to the office, they give it to someone?

1 MS. DIAZ: Yeah, anyone would come to
2 the office. They would give the letter to the
3 lady, we usually stamp the letter. If they
4 request a copy, we give a stamped copy as a
5 receipt.

6 MR. VAYSMAN: So 2016, do you know who
7 was that lady that would take the paper?

8 MS. DIAZ: We have several interns at
9 the window. There's a lot of girls.

10 MR. VAYSMAN: What do you mean several
11 interns?

12 MS. DIAZ: We have interns at the
13 window.

14 MR. VAYSMAN: Who's an intern, that's a
15 person that comes and works for a few days --

16 MS. DIAZ: They work at the building
17 department.

18 MR. NG: Not a few days, months.

19 MR. VAYSMAN: Few months, few weeks. So
20 simple question, let's say -- I'm not saying
21 anything -- maybe responsible, maybe not very
22 responsible. Is there a chance that intern takes
23 the paper and doesn't deliver it to the correct
24 file?

25 MS. DIAZ: Anything is possible, but we

1 all are there to supervisor.

2 MR. VAYSMAN: You just said anything is
3 possible?

4 MS. DIAZ: Anything is possible, we do
5 supervise.

6 MR. VAYSMAN: I have no further
7 questions.

8 CHAIRMAN MILAN: Anybody on the board
9 have any questions for Ms. Diaz?

10 Could you just, as a refresher to all of
11 us, because obviously we don't deal day to day
12 with the building department. Could you -- the
13 gentlemen already asked the first part, you give a
14 form in. Can you follow the process --

15 MS. DIAZ: Right.

16 CHAIRMAN MILAN: -- the wide angle?

17 MS. DIAZ: The entire process, I don't
18 know it exactly because I'm not the one assigned
19 to actually the process. I can tell you pretty
20 much something comes in, what we do. If that
21 letter would have come in, we would have taken the
22 letter. The file would have been pulled and it
23 would have been put right in the file, stapled in.
24 It would have been stamped with a date stamp.

25 MR. VAYSMAN: No computer, scanning,

1 anything like that?

2 MS. DIAZ: No, it would be placed in the
3 file along with a stamp and the individual who
4 turned it in would have been given a copy.

5 CHAIRMAN MILAN: You don't have a copy
6 of --

7 MR. VAYSMAN: I have a copy, of course.
8 I don't have it on me.

9 MS. DIAZ: Do you have it stamped?

10 CHAIRMAN MILAN: A stamped copy?

11 MR. VAYSMAN: It's not a stamped copy,
12 that is the problem. If it was a stamped copy,
13 there would be no problem. Unfortunately, I just
14 have a person who said they brought that piece of
15 paper into the office. Because the previous
16 owners lived in Miami and there was a builder
17 here, I don't know who the builder was. But this
18 person was the liaison in front of -- between the
19 owners and the building. So he was bringing all
20 the paperwork, supervising everything is no
21 problem. And the witness is saying he did bring
22 that paper. Now, I just heard that it's possible
23 it could have been lost. That's what I'm saying.

24 CHAIRMAN MILAN: So basically we have
25 that the paper that's missing normally gets to the

1 office of the building department, they stamp it
2 and they immediately give a copy to the person.
3 So that copy that you had should have had the
4 certificate --

5 MR. VAYSMAN: I only have a copy that
6 the owner gave to me.

7 CHAIRMAN MILAN: I get it.

8 MR. VAYSMAN: Owner didn't have the
9 stamp copy. The owner gave it to Mr. Fernandez to
10 bring to the building department.

11 CHAIRMAN MILAN: Mr. Fernandez is not a
12 City of Union City person, it's more the --

13 MR. VAYSMAN: I worked for the owner at
14 the time.

15 CHAIRMAN MILAN: He worked for the
16 liaison group that the owner was using here
17 because he was in Florida. Okay, just trying to
18 get everyone's --

19 MR. NG: In my experience, from that
20 letter --

21 MR. MAROTTA: If you're going to --

22 CHAIRMAN MILAN: You have to get sworn.

23

24 K E N N E D Y N G, after having been duly sworn
25 or affirmed, did testify as follows:

1 MR. NG: My experience, I was rent
2 control in 2016, when the building department
3 received that application with that letter,
4 immediately they send a copy to rent control
5 because this is the letter that the building will
6 be exempt.

7 MR. VAYSMAN: Unless it's lost.

8 MR. NG: I searched also all the files
9 for the building. I search upstairs, the tax
10 assessor, just in case other building department
11 when I applied because I'm the one who signed the
12 paper to rent control to give to Leslie and
13 nothing.

14 MR. VAYSMAN: Okay.

15 MR. MAROTTA: Okay.

16 MR. VAYSMAN: Unless intern who worked
17 at the window didn't deliver it to the right
18 place. You just heard it was possible, it can
19 happen.

20 MR. MAROTTA: Ms. Rivera, anything?

21 MS. RIVERA: I have nothing to add, no.

22 MR. MAROTTA: Any closing arguments --
23 anything further -- I'm sorry, anything further
24 for Ms. Diaz.

25 CHAIRMAN MILAN: I believe that we have

1 all the information we need from Ms. Diaz as far
2 as the fact that the letter is missing from the
3 file and as to the process that normally is
4 followed. I thank you very much.

5 MS. DIAZ: Of course.

6 MR. MAROTTA: I'm going to ask that you
7 wait a moment because I know that the person who
8 testified last time is here, and I don't know if
9 Mr. Vaysman intends to call him again.

10 MR. VAYSMAN: I just -- we have his
11 testimony.

12 MR. MAROTTA: We're good? Okay.

13 MR. VAYSMAN: I just -- I mean --

14 MR. MAROTTA: If there's anything else
15 you want to say, please?

16 MR. VAYSMAN: No.

17 CHAIRMAN MILAN: I mean by all means, if
18 you --

19 MR. VAYSMAN: The only thing I can say
20 that from my point of view, there's a person
21 who --

22 CHAIRMAN MILAN: I think your witness
23 is -- he was sworn last time.

24 MR. MAROTTA: But you can't sit there
25 because she might not be able to hear you.

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M I G U E L F E R N A N D E Z, previously
sworn:

MR. VAYSMAN: Can you tell us what
happened on February --

MR. FERNANDEZ: We don't know each
other, but we know each other. We know each other
for a long time, since I used to work for the
City. I know Kennedy, I know everybody here. I
know I brought the paper over. Like she said,
that possibly an intern -- she also said that if
somebody requests a copy, they'll give you a copy,
but normally, that's not the process. I've been
to the building department many times, I've gone
in. I've done a lot of work for other people and
brought it in. It could have gotten lost.

There's no reason -- like I said,
there's no reason for me not to --

MR. MAROTTA: Mr. Fernandez, just to
remind you you're still under oath. Just have a
question for you then. You never request a stamp
on a copy?

MR. FERNANDEZ: There's so many things I
brought over.

1 MR. MAROTTA: And you never --

2 MR. FERNANDEZ: I drop it off.

3 MR. MAROTTA: -- request that they stamp
4 a document?

5 MR. FERNANDEZ: No.

6 MR. MAROTTA: Okay.

7 CHAIRMAN MILAN: Okay.

8 MR. VAYSMAN: So I want to add, if I
9 may? That basically I don't know, for the
10 property ownership, from my standpoint, I
11 represent a group of people who are partners. So
12 it's a big deal in terms of having the building
13 new construction being in rent control or out of
14 rent control, it's a market value. So meaning,
15 your decision right now will influence the market
16 value of this property, which is very significant
17 difference between rent control and non-rent
18 control. I'm saying because of this piece of
19 paper -- every other document is there. This
20 piece of paper being missing from building
21 department, that's a huge, huge decision.

22 MR. MAROTTA: Mr. Vaysman, I just have a
23 couple questions for you. So you state that every
24 other document is there. You have presented
25 documents. The claim for exemption, original

1 document, you claim which is the necessary
2 document, you also presented as L-2, which is a
3 sample given to tenants that lets them know that
4 the property is exempt, correct?

5 MR. VAYSMAN: Right.

6 MR. MAROTTA: When we had adjourned this
7 matter, it was also for you to have the
8 opportunity to speak to the seller to you and find
9 out if they had any other documents.

10 MR. VAYSMAN: They didn't find -- I was
11 talking about that lease. So every other lease
12 that I received from them, except that one was
13 missing. And that one, she said, was delivered
14 manually to that tenant. And the hard copy was
15 lost.

16 MR. MAROTTA: Did you have other leases
17 for --

18 MR. VAYSMAN: I have other leases.

19 MR. MAROTTA: -- the original tenants?

20 MR. VAYSMAN: I can't say who was
21 original, who's not. I have a tenant who lived
22 there prior to us acquiring the building, I have
23 that lease.

24 MR. MAROTTA: You have their leases?

25 MR. VAYSMAN: Not on me.

1 MR. MAROTTA: Okay.

2 MR. VAYSMAN: So I have a sample that
3 we -- I don't know --

4 MR. MAROTTA: We have the sample notice.

5 MR. VAYSMAN: Notice that I present to
6 them and they sign, that's an example.

7 MR. MAROTTA: We have that.

8 MR. VAYSMAN: That the building --

9 MR. MAROTTA: We have that. So no
10 notice from the prior owner stating that, to any
11 of the tenants?

12 MR. VAYSMAN: I didn't obtain that. I
13 didn't ask for that, no.

14 MR. MAROTTA: Okay. Okay. No further
15 questions.

16 CHAIRMAN MILAN: Thank you to Ms. Diaz,
17 Mr. Fernandez.

18 MR. FERNANDEZ: One last thing, just so
19 you know, if you go look at the building, the
20 building is beautiful, because I maintain it.
21 It's very clean, the whole area.

22 MR. MAROTTA: Thank you. Just for
23 clarification, Ms. Diaz, do you know Mr.
24 Fernandez?

25 MS. DIAZ: He's never worked in our

1 department, but his face is familiar.

2 MR. MAROTTA: Okay, fine. I just wanted
3 to make sure we're not saying one thing, thank
4 you.

5 MS. DIAZ: You're very welcome.

6 CHAIRMAN MILAN: I make a motion --

7 MS. RIVERA: Well, I was just going to
8 say, just an argument, that the ordinance is very
9 clear on what needs to be presented in order for
10 the exemption. And it mirrors the statute that,
11 you know, in addition to the claim for exemption,
12 you also have to -- it has to be filed with the
13 municipality with the building department. There
14 has to be -- not just a sample, but there should
15 be the tenant lease that conspicuously says that
16 it's exempt from rent control. And, you know, we
17 just have samples, we don't actually have anything
18 signed by my client, right?

19 MR. VAYSMAN: Your client refused to
20 give me that lease.

21 MS. RIVERA: Well, my client says that
22 she doesn't have -- she testified that she didn't
23 have anything, that she was never presented with
24 the exemption notice. She didn't have that in any
25 lease. And so I think that the application fails

1 on those two components, you know, he can't
2 present what is mandated by ordinance and state
3 statute.

4 MR. VAYSMAN: Which two components?

5 MR. MAROTTA: This is actually her
6 closing argument, she's not testifying.

7 CHAIRMAN MILAN: You could rebut.

8 MS. RIVERA: So I would submit that they
9 haven't shown enough to be exempt from rent
10 control.

11 CHAIRMAN MILAN: Sir?

12 MR. VAYSMAN: But I think I did show
13 enough. I showed that exemption note that we're
14 trying to locate. And I have a sample of lease
15 exemption note to the tenants. I don't have
16 actual lease, I don't -- I'm not a lawyer, I
17 didn't know it was required to bring an actual
18 lease of -- that particular tenant doesn't have a
19 lease because I'm -- we were not the one who wrote
20 the lease. And the previous ownership could not
21 locate that lease.

22 CHAIRMAN MILAN: Okay.

23 MR. VAYSMAN: Any other tenant, I
24 probably do have it, I just don't have it on me.

25 CHAIRMAN MILAN: Okay. I make a motion

1 that we close testimony and go into deliberations.

2 MR. NG: Motion was made by Mr. Milan,
3 our chairman. Second?

4 COMMISSIONER HOLGUIN: Second.

5 MR. NG: Commissioner Holguin seconded.
6 Roll call.

7 Commissioner Norma Guevara.

8 COMMISSIONER GUEVARA: Yes.

9 MR. NG: Commissioner Yamirus Holguin.

10 COMMISSIONER HOLGUIN: Yes.

11 MR. NG: Commissioner Vice Chairwoman
12 Sandra Vasquez.

13 VICE CHAIRPERSON VASQUEZ: Yes.

14 MR. NG: Commissioner Rosana Colon.

15 COMMISSIONER COLON: Yes.

16 MR. NG: Chairman Juan Milan.

17 CHAIRMAN MILAN: Yes.

18 MR. NG: Motion has passed.

19 MR. MAROTTA: Okay.

20 CHAIRMAN MILAN: I sympathize with the
21 gentleman --

22 MR. MAROTTA: I'm sorry to interject
23 real quick, Commissioner Colon was not at the last
24 meeting when this was discussed. So she would not
25 be able to partake in the deliberation.

1 CHAIRMAN MILAN: Unless she read --

2 MR. MAROTTA: The transcript.

3 MR. NG: So she has to abstain.

4 CHAIRMAN MILAN: So she has to abstain
5 in this matter, okay.

6 As I was saying, I sympathize pretty
7 much with the gentleman. I understand sometimes
8 we don't get from a previous owner all that's
9 needed. But, unfortunately, there is a principle
10 called caveat emptor, let the buyer be ware. If
11 we don't get all the documents that are needed for
12 something, it can be an issue. That's why,
13 normally, you have legal representation or
14 something like that or some other expert that
15 helps through that process. Because otherwise,
16 it's easy to not understand something that we
17 might think it's not that important is actually
18 very much needed.

19 There's not just one document that we're
20 missing here, it's really two. And they're the
21 two that are brought out the most in the clauses
22 that have to do with this, which is the lease is
23 not signed by the proper person. The fact that
24 the prior owner could give you a lot of leases,
25 but not this one makes it sound like you probably

1 didn't do a lease for this person. Especially
2 since she's saying I don't have a lease, I never
3 got it. And based on the letter that you even
4 presented yourself, it sounds like she doesn't
5 have much of a bone in this fight. So she's kind
6 of letting it go, but she's not saying oh, by the
7 way, here's my lease. Which if you're no longer
8 fighting something, you might be very, you know,
9 very much in the mood of saying, listen, since I
10 don't care anymore, here, have the lease, show
11 that that was correct. She didn't do it. She's
12 saying she didn't find it. And based on that
13 letter, I'd say she's probably correct, she can't
14 find it. It's kind of suspicious that the owner
15 didn't send you that one, but send you others. It
16 makes it sound very much like just for that one,
17 they didn't have it.

18 MR. MAROTTA: I just want a
19 clarification. I don't think Mr. Vaysman
20 testified that they sent him other leases.

21 MR. VAYSMAN: I have other leases.

22 MR. MAROTTA: From the prior tenants
23 from the prior --

24 MR. VAYSMAN: Yes, I have other leases.
25 This one is very, very funny, but this one is

1 missing.

2 MR. MAROTTA: Okay.

3 MR. VAYSMAN: She says she gave a hard
4 copy because she had a Realtor working for her at
5 that time and the Realtor had a hard copy and the
6 hard copy is missing.

7 CHAIRMAN MILAN: The problem with this
8 case is a lot of -- we have to -- between that and
9 the fact that obviously the file for the building
10 department doesn't have it, they don't have
11 anything stamped either saying here, you gave it
12 to us. So there's a lot of -- we have to either
13 trust there was a lot of incompetency in this
14 particular apartment --

15 MR. VAYSMAN: She said it's possible.

16 CHAIRMAN MILAN: Anything is possible,
17 but you know there's got to be a point at which
18 you say fine, this is possible. But you are
19 really having to suspend disbelief by saying,
20 okay, they did a lease, but somehow that's the one
21 I lost and you lost it, too. And I put in a
22 notice in the building department, but for that
23 one, I don't have anything with a stamp and
24 neither do they, and neither does the
25 administration. You see, it's a lot of steps that

1 were missed and at least the two major documents
2 of the thing.

3 So, yeah, I understand. And I
4 understand it has nothing to do with your own
5 competency because you weren't the owner, but
6 unfortunately, those were the kind of issues that
7 you would have had to settle when you bought, say,
8 hey, for this apartment, I need something more,
9 what do you have. Otherwise, yeah, you're open to
10 this kind of case.

11 And the fact that since you don't have
12 the documents in the proper order and it's more
13 than one, then I have -- if I'm making a motion,
14 I'm making a motion that we have to uphold the
15 decision of the administration. But obviously I'm
16 letting my peers speak. And you can obviously go
17 against me and discuss. Please, anyone that has
18 any opinions, put them out there.

19 VICE CHAIRPERSON VASQUEZ: I don't have
20 a different opinion than yours, I agree.

21 COMMISSIONER GUEVARA: Yeah.

22 CHAIRMAN MILAN: Anybody else, pro or
23 con? If we're all in agreement, I'll put the
24 motion through. If we're not all in agreement,
25 let's discuss it a little more. Ms. Holguin?

1 COMMISSIONER HOLGUIN: Yes.

2 CHAIRMAN MILAN: You're agreeing. Ms.
3 Guevara?

4 COMMISSIONER GUEVARA: Yes.

5 MR. MAROTTA: I would just request that
6 in follow-up to the motion, the determination of
7 the rent board office was based upon a letter
8 dated December 14, 2022, stating you have not
9 filed a rent registration statement. And it then
10 goes onto state that in the event you claim that
11 the above property is exempt from rent control --
12 it's the second document in the packet that we
13 received, I believe.

14 CHAIRMAN MILAN: The letter for
15 October 3, 2023.

16 MR. MAROTTA: So it says if you claim
17 the property is exempt, please provide proofs to
18 that extent, and enclosing the rent control
19 ordinance addressing new construction. So I
20 believe that the determination would be either the
21 property is exempt from rent control or it's
22 subject to the rent control.

23 CHAIRMAN MILAN: Because the letter
24 itself left it a question mark for us.

25 I would say for this apartment, based on

1 what I see, I would have to say it is not exempt
2 from rent control.

3 MR. MAROTTA: Okay.

4 CHAIRMAN MILAN: Only for this apartment
5 because that's the only one that we're dealing
6 with at the moment.

7 MR. MAROTTA: Actually the question is
8 as to the property. It can't be as to the
9 apartment because the question is as to the
10 whether the -- they're claiming the property is
11 exempt from rent control.

12 CHAIRMAN MILAN: So just a technical
13 question for you. If we're saying it's only for
14 that apartment, 403, and he does have leases for
15 other apartments, where -- and they might have in
16 the building department something for those -- how
17 do we make a decision?

18 MR. MAROTTA: The fundamental question
19 is as to rent control for the building, whether or
20 not the building is subject to rent control or if
21 it's exempt.

22 CHAIRMAN MILAN: Right.

23 MR. MAROTTA: The only way the property
24 can be exempt is if the statutory requirements are
25 met, which is basically the filing of the claim

1 for exemption. As to the individual tenants, that
2 is relevant if the claim of exemption -- if the
3 board determines that there was a claim of
4 exemption. So if the board determines that the
5 property is exempt, then other tenants could say,
6 well, I never got the pre-lease notice which Mr.
7 Vaysman has presented as his sample. Or it's not
8 in the lease, then it would be the tenant's
9 obligation to come forward. But the primary --

10 MR. VAYSMAN: There are two issues.

11 MR. MAROTTA: Just let me finish, sir.
12 The primary question is whether or not the
13 building is --

14 CHAIRMAN MILAN: And in that, we have by
15 Ms. Diaz saying that it's not there, it's not
16 there for any of the tenants.

17 MR. MAROTTA: It would be -- it's to the
18 building.

19 CHAIRMAN MILAN: It's for the building,
20 not the tenant.

21 MR. MAROTTA: Mr. Vaysman did have a
22 comment.

23 MR. VAYSMAN: The comment was that again
24 there are two issues. First, the building, that
25 means that paper that I say I have and the

1 building department can't find and there's a
2 possibility it was lost, we have that issue. And
3 then there's apartment 403, because there's no
4 lease, that's a second issue, if you determine
5 that I have a case in terms of the paper could be
6 lost.

7 MS. RIVERA: I think you can't get to
8 the second part without getting --

9 CHAIRMAN MILAN: The first part is
10 obviously -- that's what I was trying to get an
11 understanding because we're saying here in the
12 agenda it's just for that apartment that we're
13 ruling, but in reality, it's for the building.

14 MR. VAYSMAN: You're ruling for 15
15 people.

16 MR. MAROTTA: That's what the letter --

17 CHAIRMAN MILAN: That's what the letter
18 that Ms. Diaz looked at or tried to --

19 MR. MAROTTA: The letter that was sent
20 to the property owner goes to not just the
21 individual, but the actual building.

22 CHAIRMAN MILAN: The whole building.

23 MR. MAROTTA: I'm going to -- I'm
24 looking -- that letter. That letter is not in
25 evidence. I'm going to request that for clarity

1 of the record, that we reopen testimony to have
2 that letter presented.

3 CHAIRMAN MILAN: Okay.

4 MR. VAYSMAN: This says apartment 403,
5 right.

6 MR. MAROTTA: I'm talking about a letter
7 dated December 14, 2022, okay.

8 CHAIRMAN MILAN: Okay, yeah. Do I have
9 to make a motion again?

10 MR. MAROTTA: Yeah.

11 CHAIRMAN MILAN: Motion to reopen
12 testimony in order to put the letter from the City
13 of Union City rent leveling board of December 14,
14 2022, on the record.

15 MR. MAROTTA: Okay. I'd like to have a
16 letter marked as B-1.

17 VICE CHAIRPERSON VASQUEZ: I'll second.

18 MR. NG: Motion by Chairman Milan and
19 second by Commissioner Vasquez. Roll call.

20 Commissioner Norma Guevara.

21 COMMISSIONER GUEVARA: Yes.

22 MR. NG: Commissioner Yamirus Holguin.

23 COMMISSIONER HOLGUIN: Yes.

24 MR. NG: Commissioner Vice Chairwoman
25 Sandra Vasquez.

1 VICE CHAIRPERSON VASQUEZ: Yes.

2 MR. NG: Commissioner Rosana Colon.

3 COMMISSIONER COLON: Yes.

4 MR. NG: Chairman Juan Milan.

5 CHAIRMAN MILAN: Yes.

6 MR. NG: Motion has passed.

7 MR. MAROTTA: I'm just going to show it
8 to the parties.

9
10 (Letter dated December 14, 2022
11 received and marked B-1.)
12

13 CHAIRMAN MILAN: Any comments before I
14 close testimony again? Any comments that looking
15 at that letter bring out that you would like to
16 put on the record?

17 MR. MAROTTA: Is that your address? Is
18 that the name of your company, Mr. Vaysman?

19 MR. VAYSMAN: Yes.

20 MR. MAROTTA: Is that the proper
21 address?

22 MR. VAYSMAN: Yes.

23 MR. MAROTTA: Okay.

24 CHAIRMAN MILAN: Okay.

25 MR. MAROTTA: Thank you.

1 CHAIRMAN MILAN: So I make another
2 motion to reclose testimony and reopen
3 deliberations.

4 MR. NG: Motion was made by Mr. Milan,
5 our chairman. Second?

6 COMMISSIONER GUEVARA: Second.

7 MR. NG: Commissioner Guevara. Roll
8 call.

9 Commissioner Norma Guevara.

10 COMMISSIONER GUEVARA: Yes.

11 MR. NG: Commissioner Yamirus Holguin.

12 COMMISSIONER HOLGUIN: Yes.

13 MR. NG: Commissioner Vice Chairwoman
14 Sandra Vasquez.

15 VICE CHAIRPERSON VASQUEZ: Yes.

16 MR. NG: Commissioner Rosana Colon.

17 COMMISSIONER COLON: Yes.

18 MR. NG: Chairman Juan Milan.

19 CHAIRMAN MILAN: Yes.

20 MR. NG: Motion has passed.

21 CHAIRMAN MILAN: Okay. We still have
22 the issue. We still have the fact that this is
23 not in the record of the building department, this
24 is not in our sight. And at least for one
25 tenant --

1 MR. VAYSMAN: So there's only one thing
2 missing for this particular question that we're
3 discussing?

4 CHAIRMAN MILAN: No, you're still
5 missing some of the leases --

6 MR. VAYSMAN: So 403, it's a different
7 issue for?

8 CHAIRMAN MILAN: But which is the main
9 case we're dealing with, so for that --

10 MR. VAYSMAN: For that one.

11 CHAIRMAN MILAN: There's no longer
12 testimony, but I will let you speak in a second
13 and also tenant advocate if she so chooses to
14 respond. Basically, you have an issue which is
15 the prevalent document that's missing and it's not
16 in the building department and it's not in the
17 owner with the seal.

18 MR. VAYSMAN: Because Mr. Fernandez
19 testified he dropped it off, he didn't have to
20 wait for the seal, he just dropped it off at the
21 building department. And I have the testimony --

22 MR. MAROTTA: I guess that's further
23 argument.

24 CHAIRMAN MILAN: It's the same argument
25 we've been hearing, so I'm going to say we heard

1 it and we understand it and we're taking it into
2 consideration.

3 MR. VAYSMAN: Okay.

4 CHAIRMAN MILAN: But still, I mean when
5 you bought it -- or when he was trying to sell, it
6 would behoove him to say, okay, let's see what --

7 MR. VAYSMAN: They gave me a document,
8 but I didn't know it needs to be stamped. I saw
9 other documents, by the way, for Union City. I
10 was looking at more properties, none of them was
11 stamped. That's why I never paid attention
12 because I saw -- I can show these documents.

13 CHAIRMAN MILAN: You look at the
14 ordinance, sir?

15 MR. MAROTTA: I have no problem with --

16 MR. VAYSMAN: Nobody said it needs to be
17 stamped.

18 MR. MAROTTA: -- Mr. Vaysman continuing
19 to testify --

20 CHAIRMAN MILAN: We are closed.

21 MR. MAROTTA: Unless you reopen --

22 CHAIRMAN MILAN: I don't want to reopen
23 it again.

24 MR. VAYSMAN: Nowhere in the ordinance
25 it says the document needs to be stamped. I just

1 heard from the building department there's a
2 possibility it could be lost transitioning from
3 the receptionist into our file. So I have a
4 document that's not stamped and it could be lost,
5 so that's the issue at hand right now.

6 CHAIRMAN MILAN: I got it. But at the
7 same time, the owner could have said at that
8 point, let me have all my documents in a row and
9 have gotten them. And if he has others and he
10 doesn't have this, that tells me that somewhere
11 along the line, either it didn't happen or it
12 wasn't carried to conclusion. And even with the
13 leases, we see there's no lease there with the
14 proper notice. I mean we have a sample, but the
15 sample is not signed by any tenant.

16 MR. VAYSMAN: Okay. I hear you.

17 CHAIRMAN MILAN: So my motion is still I
18 say that this is not an exempted building from
19 rent control.

20 MR. NG: Okay. Motion was made by our
21 chairman, Mr. Milan. Second?

22 VICE CHAIRPERSON VASQUEZ: I'll second
23 it.

24 MR. NG: Vice Chairman Commissioner
25 Sandra Vasquez. Roll call.

1 Commissioner Norma Guevara.

2 COMMISSIONER GUEVARA: Yes.

3 MR. NG: Commissioner Yamirus Holguin.

4 COMMISSIONER HOLGUIN: Yes.

5 MR. NG: Commissioner Vice Chairwoman
6 Sandra Vasquez.

7 VICE CHAIRPERSON VASQUEZ: Yes.

8 MR. NG: Commissioner Rosana Colon.

9 COMMISSIONER COLON: Abstain.

10 MR. NG: Chairman Juan Milan.

11 CHAIRMAN MILAN: Yes.

12 MR. NG: Motion has passed.

13 CHAIRMAN MILAN: Thank you.

14 MR. VAYSMAN: Will I be able to get the
15 transcript?

16 MR. MAROTTA: You can request a
17 transcript.

18 MR. VAYSMAN: How?

19 MR. MAROTTA: Do an OPRA request?

20 MR. NG: OPRA request.

21 MR. MAROTTA: I'll prepare a resolution.
22 And you would have 45 days from that date to
23 appeal that determination?

24 MR. VAYSMAN: Appeal how and where?

25 MR. MAROTTA: You go to court.

OTHER BUSINESS:

MR. NG: Public session.

CHAIRMAN MILAN: I make a motion that we open the public session of this meeting.

MR. NG: Motion was made by chairman Juan Milan.

COMMISSIONER COLON: I second it.

MR. NG: Second by Commissioner Rosana Colon. All in favor to open the public meeting?

(All Board Members indicate in the affirmative.)

CHAIRMAN MILAN: Is there anyone in the public that wants to make any statement? No one. Seeing no one, I make a motion that we close.

COMMISSIONER HOLGUIN: Second.

MR. NG: Motion made by our Chairman, Mr. Milan, second by Commissioner Holguin. Roll call.

Commissioner Norma Guevara.

COMMISSIONER GUEVARA: Yes.

MR. NG: Commissioner Yamirus Holguin.

COMMISSIONER HOLGUIN: Yes.

MR. NG: Commissioner Vice Chairwoman Sandra Vasquez.

1 VICE CHAIRPERSON VASQUEZ: Yes.

2 MR. NG: Commissioner Rosana Colon.

3 COMMISSIONER COLON: Yes.

4 MR. NG: Chairman Juan Milan.

5 CHAIRMAN MILAN: Yes.

6 MR. NG: Motion has passed.

7 CHAIRMAN MILAN: Do we have any
8 administrative or other things that you want to
9 deal with?

10 MR. NG: Not really. When is our next
11 meeting? Anyway, I will reach out to everybody
12 and just reenforce from the dates we did at the
13 beginning of the year. But Casmila is going to
14 send an email.

15 MR. NUNEZ: April 8th.

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ADJOURNMENT :

MR. NG: So a motion to adjourn.

CHAIRMAN MILAN: I make a motion to
adjourn.

COMMISSIONER COLON: I second it.

MR. NG: All in favor?

(All Board Members indicate in the
affirmative.)

(Whereupon the meeting was adjourned at
7:44 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700