



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Andre Autz, Esq. - Nacmias Law
592 Pacific Street
Brooklyn, NY 11217

Summons# : 039103909R et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

66-82 79TH STREET INC.

Hearing Date : 1/7/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,250.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103909R	Sustained	01/22/2024	66-82 79 STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B203	28-118.3.2	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

The sworn-to-summons alleges a class 2 violation of Administrative Code (Code) § 28-118.3.2 for occupancy contrary to that allowed by certificate of occupancy or building department records.

Attorney, Andre Autz, for Respondent, 66-82 79th Street Inc., was present. Cassie Rene appeared on behalf of the Petitioner, NYC Department of Buildings (DOB). Issuing officer, Inspector Kandasam, was present.

Petitioner's representative relied on the sworn-to-summons and photographs taken at the time and place of occurrence (Pet. 1).

Inspector Kandasam confirmed he is the issuing officer who issued the violation, the photographs were taken at the time and place of occurrence and provided testimony regarding his observations. Inspector Kandasam testified he observed the garage door was walled from the inside and garage converted into a bedroom.

Respondent's representative did not deny the allegations but argued Petitioner's evidence fails to establish a violation, the photographs are unclear and do not establish if they are from the garage.

I credit the sworn-to-summons. I find that the summons as alleged is legally sufficient to establish the violation charged. I find that the Respondent did not present a valid legal defense. I find the Respondent failed to provide credible evidence to rebut the allegations. Accordingly, the summons is sustained, and a \$1,250.00 violation penalty is imposed.



01/09/2025

01/09/2025

Paul Mendez, Hearing Officer

Date

