



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Mathew Whitening
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039090184Z et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

AVIV ASSOCIATES LLC RACOHEN & ASSOC., INC.

Hearing Date : 11/14/2024

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
039090184Z	Sustained	06/29/2023	5 SPRING STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	AC 28-105.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

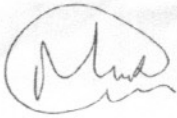
Findings of Facts & Conclusions of Law

Respondent AVIV ASSOCIATES LLC RAHOHEN & ASSOC., INC., appeared by authorized representative Matthew Whitening via telephone hearing on 11/14/2024. The petitioners appeared by Malka Amar.

The Summons alleges a Class 1 violation of 28-105.1, "Work W/O a permit. Observed at cellar level a 2-piece bathroom created with hull height positions erected. No permit on file for work performed."

The petitioners called the issuing inspector K. Gumbs Badge # 3130 to testify. The inspector testified to the following. She was called to the property after a complaint was made about the property. She cited the violation as a class 1 violation because she saw plumbing work being done, as well as electrical work that could have been done, but there was no way to know if the electrical work was done. The inspector further testified that it could be a class 2 violation, as there was no immediate hazard to the public, but would not change the class 1 designation.

After the inspector's testimony, based on the testimony, the petitioners moved to amend the class designation to a class 2 designation Oath code B201. The Representative did not object to the class change. After the class change, Respondent's Representative generally denied the violations but did not present any evidence to refute the facts or in support of a legal defense to the charges. I give credit to the statements made on the summons and find that the petitioners have established a prima facie case to the violation. The amendment to a class 2 violation is accepted, the Respondent is in violation of the alleged charge, and the summons is sustained.



11/21/2024

11/21/2024

Muminur Rahman, Hearing Officer

Date