



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039097828R et al. (1 Summons) DEPT OF BUILDINGS, -against- 338 W.46 ST OWNERS LLC Hearing Date: 12/17/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$312.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039097828R	Sustained	10/24/2023	338 WEST 46 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B254	28-301.1	Sustained	\$312.00

Findings of Fact & Conclusions of Law

The sworn-to-summons alleges a class 2 violation of Administrative Code (Code) § 28-301.1 for failure to maintain building in a code-compliant manner.

Attorney, Andre Autz, for Respondent, 338 W.46 St Owners LLC, was present. Jennifer Clouden appeared on behalf of Petitioner, NYC Department of Buildings (DOB).

Respondent did not deny the allegations, testified he has corrected the violating conditions, and submitted into evidence supporting documentation and photographs (Resp. A). Petitioner's representative reviewed Resp. A and found it satisfactory.

Petitioner's representative recommended the mitigated penalty based on compliance before the first hearing date.

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. Respondent failed to provide credible evidence to rebut the allegations. The charged violation is eligible for a mitigated penalty. An eligible violation may be subject to a mitigated penalty where it is demonstrated at the hearing that the violating condition was corrected prior to the first scheduled hearing date. Here, I find that the evidence presented is sufficient for mitigation of the penalty. Accordingly, the summons is sustained, and a \$312.00 mitigated violation penalty is imposed.



12/18/2024

12/18/2024

Paul Mendez, Hearing Officer

Date