



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 039115792K et al. (4 summonses)

DEPT OF BUILDINGS,

-against-

OAC ADELPHI, LLC

Hearing Date : 11/12/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 4,375.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115792K	Sustained	06/03/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	AC 28-105.1	Sustained	625.00

Total Penalty for Summons: 625.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115795X	Sustained	06/03/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2L5	28-120.1.3	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115797J	Sustained	06/03/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B212	BC 3303.4 27-1018	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115798L	Sustained	06/03/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2K8	27-2009.2	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

Petitioner Department of Buildings appeared by Deanna Lamberti and respondent OAC Adelphi LLC appeared by Andre Autz.

Summons # 39115792K alleged a class 1 violation of NYC Administrative Code 28-105.1, work without a permit, observing full height partitions erected without a permit.

After conferencing matter with respondent, petitioner moved to amend to a class 2 violation (B 201) and noted that agency records indicated the required permit was obtained before the first hearing date. Respondent denied but did not rebut the allegation.

I credit petitioner's evidence and find it supports a class 2 violation of the cited section of law, as amended, with mitigation. Summons # 39115792K is sustained and a penalty of \$625.00 is assessed.

Summons # 39115795X alleged a class 2 violation of NYC Administrative Code 28-120.1.3, observing failure to post required tenant protection plan notices in occupied residential spaces.

Petitioner relied upon the summons and respondent denied but did not rebut the charge.

I credit petitioner's evidence and find it supports a class 2 violation of the cited section of law. Summons # 39115795X is sustained and a penalty of \$1,250.00 is assessed.

Summons # 39115797J alleged a class 1 violation of NYC Building Code 3303.4, inadequate housekeeping, observing excessive dust on staircases and common hallways.

After conferencing matter with respondent, petitioner moved to amend to a class 2 violation (B 212). Respondent denied but did not rebut the allegation.

I credit petitioner's evidence and find it supports a class 2 violation of the cited section of law, as amended. Summons # 39115797J is sustained and a penalty of \$1,250.00 is assessed.

Summons # 39115798L alleged a class 2 violation of NYC Administrative Code 27-2009.2, observing failure to post / distribute safe construction bill of rights.

Petitioner relied upon the summons and respondent denied but did not rebut the charge.

I credit petitioner's evidence and find it supports a class 2 violation of the cited section of law. Summons # 39115798L is sustained and a penalty of \$1,250.00 is assessed.

Seth Cummins

11/13/2024

11/13/2024

Seth Cummins, Hearing Officer

Date

