



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 039527879Y et al. (4 summonses)

DEPT OF BUILDINGS,

-against-

HP BUILDING MANAGEMENT INC

Hearing Date : 1/24/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 15,625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527879Y	Sustained	04/22/2024	256 PUTNAM AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1J4	BC 3301.11.1 and 2	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527880L	Sustained	04/22/2024	256 PUTNAM AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1P7	Misc. BC—Chapter 33	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527881N	Sustained	04/22/2024	256 PUTNAM AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B282	AC 28-105.12.2	Sustained	625.00

Total Penalty for Summons: 625.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527882P	Sustained	04/22/2024	256 PUTNAM AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1P7	Misc. BC—Chapter 33	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & Conclusions of Law

Andre Autz appeared for Respondent by phone. Henrietta Asiedu Baidoo, DOB, appeared by phone. Inspector Samaan also testified by phone.

The place of occurrence for all 4 summonses is 256 Putnam Avenue on 4/22/24

039527879Y

This summons alleges a violation of BC 3301.11.1 and 2, failing to ensure workers receive site safety orientation or refresher course.

The summons alleges that on 4/22/24 at 256 Putnam Avenue, the inspector saw an active worksite with 8 workers doing multiple tasks. The inspector requested from a competent person for worker site safety orientation for all workers, the orientation was for the competent person only, all other orientation documents were blank. No orientation could be provided for all workers.

Inspector Samann testified that the orientation to workers should be given the first day of work. The documents show (P3) that on page 5 that was the only orientation given. He saw people on site but did not identify them individually.

The DOB submitted the following documents:

P1 Affidavit of Service

P2 Orientation papers that show that there were 8 people on site that day. There is one subcontractor safety orientation signed with initials CM.

Mr. Autz argued that the summons is not legally sufficient because it does not name specific workers. I disagree. The summons is sufficient. It alleges that 8 workers did not have orientation documents. It does not need to specifically list the names of the workers.

R1 Certificate of correction dated 9/4/24.

R2 An 8-page construction safety orientation papers with initials SC, HL, HS dated before 4/22/24. However, I will note none of those initials correspond to the list of workers there on 4/22/24.

Further, the documents submitted (P2) show the names of the 8 people on site that day and further the inspector and the documents are credible to show that those 8 workers did not have orientation papers. Summons sustained.

039527880L

The summons alleges a violation of BC 3314.4 supported scaffold not maintained per code.

The summons alleges that the supported pipe scaffold in use at Exp 3 and Exp 2 rear yard not as per code.

Inspector Samaan testified that the scaffold was unsafe, not fully planked, and close to the window.

The following documents were submitted:

P1 12 photos

Mr. Autz denied the charge but had no rebuttal. He submitted a certificate of correction dated 8/6/24 (R1).

I find the summons is credible and establishes a prima facie case along with the credible testimony and photos submitted. Summons sustained.

039527881N

E. Barrett

02/04/2025

02/04/2025

Elizabeth Barrett, Hearing Officer

Date

