



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street 1st Fl Brooklyn, NY 11217	Summons No: 039527885K et al. (1 Summons) DEPT OF BUILDINGS, -against- AH LAN CHUI Hearing Date: 01/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527885K	Sustained	04/22/2024	256 PUTNAM AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2G5	BC 3301.13.7 through BC 3301.13.13	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Andre Autz appeared for Respondent by phone. Henrietta Asiedu Baidoo, DOB, appeared by phone. The issuing inspector Samaan also appeared by phone.

The summons charges a violation of BC 3301.13.7 – 3301.13.13, construction superintendent failed to perform duties per code.

The summons alleges that on 4/22/24 at 256 Putnam Avenue, the inspector viewed super logs for multiple days and saw that the super failed to ensure workers receive site safety orientation, site has multiple class one violations, site was active

contrary to drawings, and super did not indicate any unsafe conditions or work process on daily log.

The DOB submitted the following into evidence:

P1 Affidavit of service. The affidavit states that the inspector asked competent person and another worker who said they were not authorized to take service and no one else is authorized. Inspector posted it outside on job site fence at Exp #1 by permits and project information panel

P2 Daily logs

Inspector Samaan testified by phone. He testified that the logs were not adequate or complete. They did not list the unsafe conditions. He asked two people if they were willing to take service and they said they were not authorized. No one else was there. The Respondent was not there. He posted the summons to the fence.

Mr. Autz made a service challenge. He argued that for a natural person under CPLR 308(2), a person should be served at home or place of business. It was not served at either location.

Here, the summons was served by alternate method of service after asking two people if they were authorized to do so. There is no requirement that an individual must be served at home or at place of business if there is good alternate service. Further, I find Inspector Samaan credible and clear that he spoke to two people who said they are not authorized to take service and no one else was authorized. I find service was good.

I find the documents submitted (P2) credible to show that the logs were not complete and the Inspector credible. The logs do not have any details of the work or the unsafe conditions. I find Respondent in violation of the rule. Summons sustained.

E. Barrett

01/28/2025

01/28/2025

Elizabeth Barrett, Hearing Officer

Date