



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039532078K et al. (1 Summons) DEPT OF BUILDINGS, -against- GBI CONTRACTING, LLC Hearing Date: 11/13/2024 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039532078K	Sustained	09/05/2024	101 SOUTH 2 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Sustained	\$625.00

Findings of Fact & Conclusions of Law

CHARGES

Summons #039532078K charges Respondent with violating Building Code §3307.1, Class 2, and alleges that on September 5, 2024, at 10:25am, at 101 South 2 Street, Brooklyn, NY: "Pedestrian protection does not meet code specifications...."

Attorney Andre Autz appeared at a remote hearing held on November 13, 2024 as an authorized representative of Respondent. Attorney Deanna Burbridge appeared on behalf of Petitioner.

RELEVANT LAW

Building Code §3307.1 states in pertinent part:

"Pedestrians shall be protected during construction or demolition activities as required by this section and by the Department of Transportation."

TESTIMONY

Ms. Burbridge moved to amend the charge to §3307.6.4.8 as cited in the summons and relied on the summons.

Mr. Borowski denied the violation without rebuttal and requested mitigation.

Ms. Burbridge noted that according to DOB's system compliance was recorded on November 3, 2024 and recommended mitigation.

DECISION

The summons is sustained.

As a threshold matter, I am granting the Motion to Amend based on the details of the violation and the recommendation of the Petitioner. Therefore, the charge is amended to NYC Building Code §3307.6.4.8, Class 2.

I credit the sworn allegations of the issuing officer as set forth in the summons and that Respondent's Representative presented no testimony or evidence to rebut them or to establish a valid defense.

Therefore, I find Respondent in violation of New York City Building Code §3307.6.4.8, Class 2, the penalty for which is \$1,250. As I further find that timely correction was submitted, I am imposing the mitigated penalty of \$625.

Accordingly, the summons is sustained.

 11/14/2024	11/14/2024
Sharah Thomas, Hearing Officer	Date