



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039526524K et al. (1 Summons) DEPT OF BUILDINGS, -against- 14022 LLC Hearing Date: 10/03/2024 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
039526524K	Sustained	03/18/2024	140-22 69 ROAD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B112	28-207.2.2	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

The summons was issued on March 18, 2024 with a return date of May 28, 2024.

Attorney Dallas Maning appeared for Petitioner, Department of Buildings and Attorney Andre Autz appeared for Respondent, 14022 LLC, on October 3, 2024.

Respondent is charged with NYC Administrative Code Section 28-207.2.2. The allegation is designated as a Class 1 immediate hazardous.

Summons alleges that ...unlawfully continued work while on notice of a Stop Work Order (SWO)...

Petitioner submitted the property profile, see Petitioner Exhibit 1, predicate violation and violation details, see Petitioner Exhibit 2, the overview complaint, see Petitioner Exhibit 3, and photos, see Petitioner Exhibit 4.

Respondent submits the summons, see Respondent Exhibit A, the basis for the SWO, and the dismissal, see Respondent Exhibit B, of the summons.

Respondent moved to dismiss because they were not on notice of the SWO. Respondent argued that the SWO was issued to a different Respondent. Respondent argued that the summons with the SWO was dismissed.

Petitioner argued that dismissal does not mean rescission of the SWO and SWO does apply to subsequent owners.

New York City Administrative Code Section 28-207.2.2 provides.... "No person shall with knowledge or notice of a stop work order allow, authorize, promote, continue or cause to be continued any work covered by the stop work order, except such work that may be required by order of the commissioner."

I credit the allegation in the summons and Petitioner's argument. I find that Respondent did not have a valid defense. I do not find it persuasive that the Respondent was not on notice of the SWO. I find that dismissal of a summons does not mean rescission of the SWO and Respondent submitted no authority to establish argument. I find the details alleged in the summons establish a class 1 immediately hazardous violation because the violating condition affects life, health, safety, property, or the public interest and does require immediate corrective action.

Accordingly, the Summons is sustained and the standard penalty of \$5000 is imposed.

Iyayi Uwa

10/17/2024

10/17/2024

Iyayi Uwa, Hearing Officer

Date