



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

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

Summons# : 039532681P et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

US ABC CONSTRUCTION CORP.

Hearing Date : 1/10/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 4,800.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039532681P	Sustained	09/24/2024	715 CONEY ISLAND AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B223	BC 3307.1	Sustained	2,400.00

Total Penalty for Summons: 2,400.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039532684K	Sustained	09/24/2024	717 CONEY ISLAND AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B223	BC 3307.1	Sustained	2,400.00

Total Penalty for Summons: 2,400.00

Findings of Facts & Conclusions of Law

Petitioner, NYC Buildings Department, appeared by Gurtej (TJ) Sahni. The respondent was represented by ANDRE AUTZ, Esq.

The hearing was conducted on January 10, 2025, via telephone.

1.039532681P US ABC CONSTRUCTION CORP- Respondent was charged with a Class 2 violation of Building Code 3307.1.

2.039532684K US ABC CONSTRUCTION CORP - Respondent was charged with a Class 2 violation of Building Code 3307.1.

Respondent states that the violations are for a range property, and they are duplicative.

DOB states that the violations are not duplicative, the violations are issued to adjacent properties with different addresses, with different work permits for the shed. DOB submitted the 2 shed permits (with different expiration dates). See, Exhibit 1.

"Generally, an NOV is duplicative of another NOV when each cites the same respondent at the same place of occurrence on the same date of violation on the same factual basis under either the same provision of law or a different provision of law with the same elements of proof. See, NYC v. Garry Camarda (ECB Appeal No. 1101268, April 26, 2012; NYC v. Descent of the Holys (ECB Appeal No. 40515-40416, March 31, 2005)."

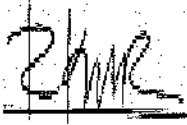
Here, there are different job numbers on the 2 permits, and they are for adjoining sheds, but similar condition observed by the issuing officer.

DOB states that there was correction but there is no mitigation for this violation.

I agree that the violations are similar but not duplicative.

Based on the permits, there are 2 sheds and the therefore, 2 violations were appropriate.

Both are sustained with the standard penalties.

 01/10/2025	01/10/2025
Rebecca Kramer, Hearing Officer	Date