



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039525893L et al. (1 Summons) DEPT OF BUILDINGS, -against- IOCOVELLO BUILDERS & SONS Hearing Date: 01/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039525893L	Dismissed	02/27/2024	308 EAST 106 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B223	BC 3307.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent appeared by its attorney Andre Autz, Esq. to respond to the charge that pedestrian protection does not meet code specifications – observed at 6:05 A.M. lights not maintained exp. 1 created dark areas of public sidewalk hazardous conditions of slip, trip, no preventive measures for criminal activity – BC 3307.6.4.8 states that sidewalk sheds shall illuminate along the entire length of the shed – parapet wall section missing and not maintained hazard strike from above material or debris. The summons was issued on February 27, 2024.

Petitioner appeared by its attorney Jennifer Clouden, Esq. and submitted the IO's photos and copies of the NYC DOB's Property Profile for the subject property, the Overview For Complaint (showing the violation was resolved) and the OATH/ECB

Violation Details page. Also submitted was a copy of a letter from property owner to the DOB dated April 12, 2022 stating that it had hired a contractor to replace another contractor to complete the work at the subject property. (The contractors referenced in the letter are not the named Respondent.)

Mr. Autz stated that the Respondent was incorrectly named as the Respondent who had been the general contractor had previously withdrawn from the construction project at the subject property and prior to the issuance of the summons. In support thereof Mr. Autz submitted copies of (i) a letter dated September 23, 2022 sent by Respondent to the Petitioner-DOB setting forth that the Respondent has withdrawn from the construction project and provided the NB job number and that Respondent is released from all general contracting duties (ii) the NYC DOB Application Details page which indicates that the entire job for the subject property is on hold as of July 8, 2022 and (iii) the NYC DOB Overview For Complaint which sets forth that the a partial SWO was issued due to "superintendent of construction withdrawal."

I credit Respondent's evidence and find that the named respondent had been the general contractor for the construction project at the subject property but that the general contractor withdrew from the project and filed the necessary paperwork with the DOB regarding the same and prior to the issuance of the summons. Thus Respondent was improperly named.

In light of the foregoing the summons is **dismissed**.

	
01/15/2025	01/15/2025
Melanie Finkel, Hearing Officer	Date