



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 039087019H et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

488 5TH AVE REALTY CORP

Hearing Date : 11/7/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039087019H	Dismissed	05/24/2023	488 5 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	0.00

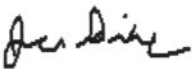
Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Kimberly Manas appeared for Petitioner and said that the requested inspector was not available to appear but she had his evidence and submitted it. Andre Autz, Esq. appeared for Respondent and moved to have the summons amended to a Class 2, arguing that there was no immediate hazard to this installation. He said that Respondent's plumber had received an LAA on the day of the inspection which was issued to formalize the work and said that there was no new gas or gas related issues and submitted a copy of it. Ms. Manas said that she would not amend the Class and maintained that there was insufficient evidence to show that the work had been done safely and/or by a licensed plumber. I disagree.

I find that the LAA issued on the day of the instant summons, immediately after issuance, was obtained by a licensed plumber and explains the nature of the work. There was an existing meter, the gas valve was not touched and no gas authorization was required by DOB. I find that this supports a Class reduction to a Class 2 and was not immediately hazardous.

Accordingly, the summons is dismissed.

	11/18/2024
Joan Silverman, Hearing Officer	Date

