



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039526620K et al. (1 Summons) DEPT OF BUILDINGS, -against- FRONT WAVE CONSTRUCTION Hearing Date: 11/07/2024 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
039526620K	Sustained	03/20/2024	59 HENRY STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B209	BC 3301.2	Sustained	\$5,000.00

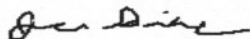
Findings of Fact & Conclusions of Law

Kimberly Manas appeared for Petitioner with Inspector Adegboyega and submitted an evidence package with photographs of the site and location of the incident. He said that was responding to an incident where a worker was hit by falling construction material and determined from his inspection that the boards fell off an a-frame holding them to load onto the hoist. There was a defect on the hoist ramp which caused the boards to fall off during the loading. They cited to BC 3315.1.1 and 3316.1. Respondent allowed the defect which cause the accident.

Andre Autz, Esq. appeared for Respondent and argued that there was no weight load for the A-frame but did not rebut the defect in the ramp. He said that the ramp is not part of the hoist and there are daily safety meetings.

Based on all available credible evidence, I find that there was an accident caused by a defective ramp leading to a hoist. The A-frame transporting the materials onto the hoist had a hole which caused the material to fall and injure the worker. Respondent did not properly safeguard their site.

Accordingly, the summons is sustained.



11/15/2024

11/15/2024

Joan Silverman, Hearing Officer

Date