



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street BROOKLYN, NY 11235	Summons No: 037027565H et al. (1 Summons) DEPT OF BUILDINGS, -against- 3064 CONEY ISLAND CONDOMINIUM Hearing Date: 01/13/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$6,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037027565H	Sustained	04/11/2024	3064 Coney Island Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B230	28-302 .4	Sustained	\$6,250.00

Findings of Fact & Conclusions of Law

Andre Autz, Esq. for Respondent

Cassie Rene, Esq. for DOB

The summons alleges an Agg 2 violation for the failure to submit a required Report of critical examination and it carries a \$6,250 fine. The summons cited to 3 prior violations where Respondent was found in violation. Respondent did not challenge DOB's representations that each of those violations were sustained. Respondent, however, challenged the Agg 2 nature of this violation. Respondent noted that 75H cited in the summons was issued in 2018 which was more than 3 years ago.

However, as pointed out by DOB, Agg 2 designations are not limited to a three year period. In any event, the 3 prior violations, which respondent confirmed, were issued to the same respondent on the same property. I find that this history of non-compliance establishes a pattern and the Agg 2 designation was proper. The fact that the summons does not expressly refer to any safety issues, as also argued by Respondent, does not alter this analysis because the Agg 2 designation is based upon a history of non-compliance. Therefore, Respondent is found in violation and a \$6,250 fine is imposed.

Mitchell Rubinstein

01/13/2025

01/13/2025

Mitchell Rubinstein, Hearing Officer

Date