



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MATTHEW WHITENING
592 PACIFIC STREET
BKLYN,NY 11217

Summons No: 039525086P et al. (1 Summons)

DEPT OF BUILDINGS,

-against-

CONSTRUCTION AAA GENERAL

Hearing Date: 12/06/2024

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: \$5,000.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039525086P	Sustained	01/25/2024	63-68 AUSTIN STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B115	BC 3301.2 & 27-1009(a)	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Matthew Whitening appeared for Respondent. Andrew Engel, Esq. appeared for Petitioner DOB.

Respondent was cited for violating BC 3301.2 and AC 27-1009(a) for not having guard rails and controlled access zones.

Mr. Engel submitted photos (Exhibit 1).

Mr. Whitening stated that Respondent implemented a controlled access zone, and the Stop Work Order was rescinded. He requested an amendment to the summons.

Mr. Engel stood on the cited charge.

Respondent did not establish a defense. Subsequent correction is not a defense. The summons is sustained.

Viven Chiu

12/10/2024

12/10/2024

Viven Chiu, Hearing Officer

Date