



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 039523751R et al. (3 summonses)

DEPT OF BUILDINGS,

-against-

PRIME DEVELOPMENT, INC

Hearing Date : 2/3/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 6,250.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039523751R	Sustained	11/30/2023	257 COLERIDGE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1F2	BC 3301.7 (2014 code)	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039523752Z	Sustained	11/30/2023	257 COLERIDGE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B182	28-105.12.2	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039523754M	Sustained	11/30/2023	257 COLERIDGE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

The respondent appeared by its attorney Andre Autz, Esq.

The petitioner appeared by its attorney Cassie Rene, Esq.

The petitioner's witness inspector Noel Powell testified that he visited the premises; that the site was open; that there was excavation and foundation work taking place; that a permit is needed for both; that this work can be dangerous if performed by someone who is unlicensed; that adjacent building can collapse if work is not done properly; that there was no foundation permit; that there was a fence that was approximately 12 feet which can result in it collapsing; that the fence was required to be 8 feet; that he spoke to a competent person; that foundation and excavation plans were not provided. The petitioner provided photographs to corroborate the inspector's statement.

The respondent challenged class. The respondent argued that the plans were submitted and approved prior to the first hearing date, and there is no evidence that failure to submit the plans was an immediate hazard. The respondent asserted that there is no evidence that the fence causes an immediate hazard. The respondent asserted that there is no evidence that the lack of a permit is an immediate hazardous condition.

The petitioner contended that all the cited conditions cause an immediate hazard. The petitioner recommended mitigated penalty for summons ending in 54M since it was timely corrected and standard penalty for summons ending in 51R and 52Z.

I credit credit petitioner's evidence and find the respondent in violation of the cited sections of law. The respondent did not provide a valid defense to the charges. I sustain and impose the standard penalty for summons ending in 51R and 52Z and mitigated penalty for summons ending in 54M.



02/03/2025

02/03/2025

Natasha Pierre, Hearing Officer

Date