



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039105238Y et al. (1 Summons) DEPT OF BUILDINGS, -against- SHEHADA, ALMUTASEMB Hearing Date: 11/04/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039105238Y	Sustained	02/05/2024	10 MANORVILLE COURT Staten Island

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Sustained	\$625.00

Findings of Fact & Conclusions of Law

On November 4, 2024, Andre Autz, Esq., attorney for Respondent, Almutasemb Shehada, appeared for a hearing by remote by telephone. Daniel Brickman, Esq., appeared for Petitioner with Issuing Officer, R. Grand Champ, badge #3430, who provided testimony.

Respondent was charged with violation of Building Code §3303.4.6 related to storage of combustible material and equipment.

The Issuing Officer affirmed in the summons that on February 5, 2024, "upon inspection from the street being through the locked gate observed on large size property that has gutted with all materials thrown out windows and remains piled and

stacked against the building and all over the property. Combustible materials is a fire hazard and haven for rodent infestation."

The Issuing Officer testified that there were construction materials, bricks, garbage, debris and wood pallets observed on the property. Upon inquiry from Respondent's counsel, the Issuing Officer testified that the gate was locked, with some leaves, plastic bags and wood pallet, but could not testify as to whether any pathways had been blocked.

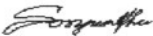
Respondent's counsel challenged the class and the Issuing Officer agreed that this was a class 2 violation. Petitioner moved to amend the charge to a miscellaneous class 2 violation. The motion is granted.

Respondent's counsel claimed the violation had been corrected on April 15, 2024, which was confirmed by Petitioner, who recommended mitigation.

I credit the Issuing Officer's testimony and affirmed statements in the summons, which is not disputed. I also credit that the violation had been timely corrected to warrant mitigation.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that Respondent had failed to safely store the combustible materials, but that the violation had been corrected prior to the first scheduled hearing date, and I impose a mitigated penalty of \$625.00, on the charge as amended.

Wherefore, the summons is hereby sustained accordingly.

 11/08/2024	11/08/2024
Sooyung Lee, Hearing Officer	Date