



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

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

Summons No: 039118455N et al. (1 Summons)

DEPT OF BUILDINGS,

-against-

SHAMARYAYEV, GRIGORIY

Hearing Date: 02/04/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: **\$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039118455N	Dismissed	07/05/2024	4576 BEDFORD AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B283	ZR 25-41	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

This remote hearing was conducted on January 4, 2025. Respondent (Grigoriy Shamaryayev) appeared by attorney, Andre Autz. Andrew Berger appeared for Petitioner (DOB).

Respondent was charged with a class-2 violation of ZR25-41. "RCA was issued on 11/29/2022 by inspector Badge #3217 for violation of parking regulations in a residential district. RCA bit corrected. Observed 1-story building in R4 district, a black car with NY Plate #LJM-9092 & a red car NY Plate #LFJ-1674 parked (dead storage) in front yard blocking the home exit and too close to utility pole and a big tree. ZR 25-41." This summons was issued on 7/05/2024 at 4576 Bedford Avenue, Brooklyn, N.Y.

Mr. Berger submitted Petitioner's evidence package including the RCA (Request for Corrective Action- Pet. Ex. #1) and a photograph depicting two (2) vehicles parked at the cited location (Pet. Ex. #2).

Mr. Berger noted that the plates were affixed to the parked vehicles. He also noted that the inspector took the photographs on the date of occurrence (7/05/2024). The RCA (Pet. Ex. #1) is dated 9/30/2022 whereas the details of the summons state that RCA was issued on 11/29/2022. Mr. Berger further stated that, at homes in residential districts, vehicles parked there are to be used for residents.

Mr. Autz motioned for a dismissal on the grounds of "legal insufficiency. He contended that there was no "dead storage" described in this summons. Parked vehicles affixed with license plates do not create "dead storage." Mr. Autz submitted Appeal No. 1600265 NYC. v. Samuel Levy June 30, 2016. In Levy, the Board determined that (in residential districts) there is no dead storage where cars have license plates and are registered. See: Resp. Ex. A

Mr. Berger stated that he had no recommendation for this case.

Based on the record before me, I dismiss this summons. I find that the facts as alleged by Petitioner are inconsistent and lack the specificity and clarity required by Title 48 RCNY Chapter 6, Subchapter C, Section 6-08(c) (2) - "A clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged..." I dismiss this summons.

J Beck-Wall

02/17/2025

02/17/2025

Joan B Beck-Wall, Hearing Officer

Date