

tools dropping down below.

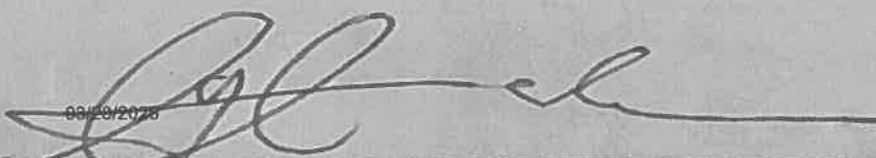
Ms. Lamberti reaffirmed the violation and submits the evidence package, including photographs showing the cited violating conditions.

Ms. Kane denies the violation and states that the cited scaffold was being taken down as the building's structure behind the scaffold looks finished and the workers were done with that part of the job.

Ms. Lamberti rebuts the claim that the scaffold was being taken down, and states that no evidence is submitted to support the claim that the scaffold was actively being taken down, and that photographs on pages 12 and 22 of the petitioner's evidence package shows that the workers standing on the scaffold were still actively working on the building's structure at the time of the violation.

Ms. Lamberti reaffirmed the violation and recommends the statutory penalty.

I find the respondent in violation. I do not credit the unsubstantiated claim that the cited scaffold was being taken down at the time of the violation. I credit the issuing officer's statement including the submitted photographs which show that there were workers on the scaffold still working on the building's exterior walls at the time of the violation. Therefore, I find that the scaffold was not being taken down at the time of the violation and that the condition of of the scaffold at the time of the violation constitutes a violation of the cited section of law. As the petitioner has proved its case, and the respondent has not established a sufficient legal defense to the violation, I credit the facts alleged in the charge. Therefore, the violation is sustained, and an approved penalty is hereby imposed.

 03/23/2025	03/23/2025
Cornelius Ojinnaka, Hearing Officer	Date