



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 039115462H et al. (1 Summons) DEPT OF BUILDINGS, -against- MIZRAHI, MOISE Hearing Date: 01/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115462H	Sustained	05/29/2024	2040 EAST 17 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Respondent appeared by its attorney Andre Autz, Esq. to respond to the charge of work without a permit at exposure #2 - opening for new window installed - new installed high hats on first floor and no plans, permits on record.

Petitioner appeared by its attorney Jennifer Clauden, Esq. and submitted photos taken by the IO.

Respondent's Objection To Service Of The Summons

Mr. Autz objected to service of the summons on the grounds that the affirmation of service does not provide sufficient details

as to what steps were taken by the IO prior to posting the summons on the front main entry door of the subject building.

IO Henry appeared and testified that he observed construction activity at the property and that there were workers inside the property. IO Henry further testified that when he knocked on the door to the building the workers would not allow the IO to enter, slammed the door and refused to speak with him. IO Henry then walked around the property and saw that there was no one outside with whom he could speak to regarding service of the summons. Further he spent ten minutes attempting to locate someone to speak with regarding service of the summons after which posted the summons on the front door to the building.

I find that the IO credibly testified that he made a reasonable attempt to locate someone who was authorized to accept service of the summons and prior to his posting the summons on the front door. Thus I find that service of the summons was proper.

On the merits Mr. Autz testified that Respondent denies the charge with no rebuttal.

Accordingly the summons is **sustained**.

<i>Melanie Finkel</i>	01/09/2025	01/09/2025
Melanie Finkel, Hearing Officer		Date