



THE CITY OF NEW YORK  
ENVIRONMENTAL CONTROL BOARD

HEARING LOCATION:  
Environmental Control Board  
66 John Street  
10th Floor  
New York, NY 10038  
(212) 361-1400



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Method of Appearance  
Live Hearing

**DECISION AND ORDER**  
Violation #: 0168655017 (1 NOV)  
Hearing Date: June 18, 2010

To: COHEN HOCHMAN & ALLEN  
80 MAIDEN LANE  
NEW YORK, NY 10038

City of New York v. ARTEC CONSTRUCTION  
& DEVELOPMENT

**Total Civil Penalty: \$0.00**

1 Notice(s) of Violation (NOV(s)) was/were issued to the Respondent. On the record before me, and upon the Further Findings of Fact/Conclusions of Law stated below, I find as follows and, where applicable, order payment and compliance.

NOV: 0168655017  
PLACE OF OCCURRENCE: EAST 118 STREET MANHATTAN  
DATE OF OCCURRENCE: 11/24/2008  
ISSUING OFFICER/AGENCY: GRANDISON GOLDIE 330749 055  
ECB CODE: AD30  
CHARGE: A.C. 19-102(II) FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF DOT PERMITS  
DISPOSITION: DISMISSED CIVIL PENALTY IMPOSED: \$0.00

**FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:**

NOV: 0168655017 CHARGE: A.C. 19-102(II) FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF DOT PERMITS

Paul Volodarsky, Esq. of Cohen Hochman & Allen, attorneys for Respondent Artec Construction & Development, appeared. Ms. Williams of NYPD Traffic appeared for Petitioner.

The NOV was read into the record. Thereafter, Respondent's counsel argued that the NOV was confusing and contradictory on several levels: 1) though it named Respondent as the responsible party, the NOV specifically named the personal owner of the allegedly offending vehicle and that such owner was working for the subcontractor, SheetRoc; 2) the NOV is unclear whether the allegedly offending vehicle is parked on the street or in the work area; and 3) as Petitioner presented no evidence, such as a photograph showing where the vehicle was parked, to clarify the contents of the NOV, the NOV should be dismissed. Petitioner made no response.

Based on the foregoing grounds, the NOV is dismissed.

**TOTAL CIVIL PENALTY: \$0.00**

Tue Jun 2010 06:29:10 12 20:45

Control 5

06/29/2010

A. Stone, Administrative Law Judge

Date

**PAYMENT DUE WITHIN TEN (10) DAYS  
READ BACK OF THIS ORDER - PROTECT YOUR RIGHTS**

**JUN 30 2010**