



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 #: 0169567256 et al. (3 NOV's)
Hearing Date: June 25, 2010

To: Paul Volodarsky Esq
80 Maiden Lane
Suite 507
New York, NY 10038

City of New York v. DANELLA CONST OF NY

Total Civil Penalty: \$0.00

3 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: 0169567256
PLACE OF OCCURRENCE: S/S E 15 ST BET 3 AVE & RUTTER MANHATTAN
DATE OF OCCURRENCE: 07/17/2009
ISSUING OFFICER/AGENCY: RAMSEUR, DEBRA 333032 055
ECB CODE: AD15
CHARGE: A.C. 19-121(B)(7) OBSTRUCTION OF FIRE HYDRANT OR BUS STOP
DISPOSITION: DISMISSED CIVIL PENALTY IMPOSED: \$0.00

NOV: 0169576880
PLACE OF OCCURRENCE: 257 CHURCH ST BET LEONARDS & FRANKL MANHATTAN
DATE OF OCCURRENCE: 07/08/2009
ISSUING OFFICER/AGENCY: RAMSEUR, DEBRA 333032 055
ECB CODE: AD03
CHARGE: 19-107. STREET CLOSING WITHOUT PERMIT
DISPOSITION: DISMISSED CIVIL PENALTY IMPOSED: \$0.00

NOV: 0169576927
PLACE OF OCCURRENCE: S/S E 15 ST BET 3 AVE & RUTTER MANHATTAN
DATE OF OCCURRENCE: 07/17/2009
ISSUING OFFICER/AGENCY: RAMSEUR, DEBRA 333032 055
ECB CODE: AD03
CHARGE: 19-107. STREET CLOSING WITHOUT PERMIT
DISPOSITION: DISMISSED CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 0169567256 CHARGE: A.C. 19-121(B)(7) OBSTRUCTION OF FIRE HYDRANT OR BUS STOP NOV: 0169576880
CHARGE: 19-107. STREET CLOSING WITHOUT PERMIT NOV: 0169576927 CHARGE: 19-107. STREET CLOSING
WITHOUT PERMIT

Paul Volodarsky, Esq. appeared on behalf of Respondent, Danella Const. of NY, and moved for dismissal on the grounds of improper service. He presented a letter from Respondent, stating that the person served was not authorized to accept service. He also stated that he had spoken with the person served, who told him that she knew she was not authorized to accept service, but as a receptionist, she accepts what people hand her.

Gale Travis appeared for Petitioner and presented photos taken by the issuing officer. She also stated that it is standard practice for the process server to go to the office with a list of authorized persons, to ask a person is he/she is authorized and to get a signature on a form. However, she was unable to present the form and did not wish to have an adjournment to obtain additional evidence.

I find Respondent's evidence credible and dismiss these Notices of Violation for improper service.

TOTAL CIVIL PENALTY: \$0.00

Control 5

06/29/2010

Tue Jun 29 10:02:10 2010

JUN 30 2010