

NOV: 034798295N AC 28-210.1

Marina Nickolashvili is charged with a violation of Section 28-210.1 of the Administrative Code of the City of New York for having residence altered for occupancy by more than the legally-approved number of families. The Issuing Officer stated that the entire building is occupied a SROs. Bradley Green, Esq. appeared for Ms. Nickolashvili. Joe Casciano, Esq. appeared for the Department of Buildings ("DOB").

Mr. Casciano presented two photos taken by the Issuing Officer showing conditions he observed at the cited location. I believe that the photos are a true representation of what the Issuing Officer observed.

Mr. Green presented a copy of the I-Card for the cited location showing that it is a two story building with three apartments and a kitchen on the first and second floor. I believe that this is a true copy of official DOB records.

I find that the DOB photos show only a kitchen and two doors which may or may not have locks; they do not show that the building was occupied by more than three families or that there were SROs in the building. I therefore do not credit the written statement of the Issuing Officer. I find further find that the DOB has failed to establish a case that the entire building is occupied by either more than three families or by Single Room Occupancies.

The violation is dismissed.

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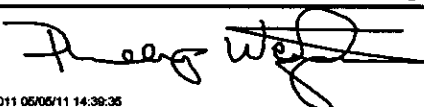
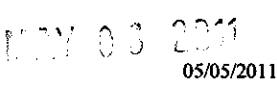
Marina Nickolashvili is charged with a violation of Section 28-201.1 of the Administrative Code of the City of New York for failing to comply with Commissioner's Order to obtain a permit for the violating conditions in Notice of Violation 34757808Z. Bradley Green, Esq. appeared for Ms. Nickolashvili. Joe Casciano, Esq. appeared for the Department of Buildings ("DOB").

Mr. Casciano presented a copy of ECB Violation Details for Notice of Violation 34757808Z showing that Ms. Nickolashvili was held in violation after a hearing on May 26, 2010. I believe that this is a true copy of official DOB records.

Mr. Green presented a copy of the I-Card for the cited location showing that it is a two story building with three apartments and a kitchen on the first and second floor. I believe that this is a true copy of official DOB records.

Mr. Green stated that Ms. Nickolashvili is appealing the decision in the prior case, but has no evidence to present in rebuttal to the instant violation.

The violation is upheld and the Board-approved penalty of \$2400 is imposed.

TOTAL CIVIL PENALTY: \$2,400.00	
 <small>Thu May 2011 05/05/11 14:39:35</small>	 <small>Control 5</small>
Phillip Weitzman, Administrative Law Judge	Date

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