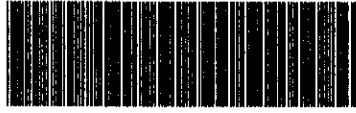




**THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD**

HEARING LOCATION:
Environmental Control Board
233 Schermerhorn Street
11th Floor
Brooklyn, NY 11201
(718) 875-7428



814958712FC170F076

Method of Appearance
Live Hearing

DECISION AND ORDER
Violation #: 034798294L et al. (3 NOVs)
Hearing Date: May 2, 2011

To: Cohen Hochman and Allen
80 Maiden Lane - Suite 507
New York, NY 10038

City of New York v. MARINA NICKOLSHIVILI

Total Civil Penalty: \$2,400.00

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: 034798294L
PLACE OF OCCURRENCE: 3024 BRIGHTON 8 STREET BROOKLYN
DATE OF OCCURRENCE: 08/07/2009
ISSUING OFFICER/AGENCY: 2348 DOB
ECB CODE: B189
CHARGE: 28- 301.1
DISPOSITION: DISMISSED
CIVIL PENALTY IMPOSED: \$0.00

NOV: 034798295N
PLACE OF OCCURRENCE: 3024 BRIGHTON 8 STREET BROOKLYN
DATE OF OCCURRENCE: 08/07/2009
ISSUING OFFICER/AGENCY: 2348 DOB
ECB CODE: B200
CHARGE: AC 28-210.1
DISPOSITION: DISMISSED
CIVIL PENALTY IMPOSED: \$0.00

NOV: 034798296P
PLACE OF OCCURRENCE: 3024 BRIGHTON 8 STREET BROOKLYN
DATE OF OCCURRENCE: 08/07/2009
ISSUING OFFICER/AGENCY: 2348 DOB
ECB CODE: B187
CHARGE: 28- 201.1
DISPOSITION: IN VIOLATION
CIVIL PENALTY IMPOSED: \$2,400.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 034798294L 28- 301.1

Marina Nickolashivili is charged with a violation of Section 28-301.1 of the Administrative Code of the City of New York for failing to maintain building in a code-compliant manner by not providing the number of required means of egress for every floor. The Issuing Officer stated that the entire building is occupied a SROs without any secondary means of egress. Bradley Green, Esq. appeared for Ms. Nickolashivili. 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 and no floor is specified; they do not show that the building was occupied by SROs. I find further that the legal occupancy of the building is for more than two dwelling units occupied as a rule for shelter and sleeping accommodation on a long-term basis for a month or more at a time and is therefore a Group R-2 building. Under the Building code Section 1018.2(4), a Group R-2 building that does not exceed four stories or contain more than three dwelling units is required to have only one exit.

The violation is dismissed.

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.

NOV: 034798296P 28- 201.1

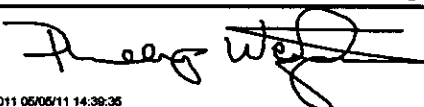
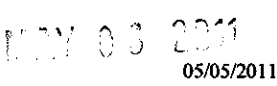
Marina Nickolashvili is charged with a violation of Section 28-201.1 of the Administrative Code of the City of New York for failing to comply with Commissioner's Order to obtain a permit for the violating conditions in Notice of Violation 34757808Z. Bradley Green, Esq. appeared for Ms. Nickolashvili.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