



THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD

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



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Method of Appearance
Live Hearing

DECISION AND ORDER

Violation #: 034804039M (1 NOV)
Hearing Date: July 28, 2010

To: Cohen Hochman & Allen
80 Maiden Lane - Suite 207
New York, NY 10038

City of New York v. WESTMINSTER
APARTMENTS

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: 034804039M
PLACE OF OCCURRENCE: 405 EAST 12 STREET BROOKLYN
DATE OF OCCURRENCE: 10/14/2009
ISSUING OFFICER/AGENCY: 1763 DOB
ECB CODE: B141
CHARGE: AC 28-404.1
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

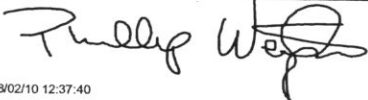

NOV: 034804039M AC 28-404.1

Bradley Green, Esq. appeared for the Respondent, Westminster Apartments, in response to a Notice of Violation alleging a violation of Section 28-404.1 of the Administrative Code of the City of New York for using rigging equipment without a special riggers license. Jessica Trauner, Esq. appeared for the Petitioner Department of Buildings.

A.C. Section 28-404.1 is a Class 1 violation per se or requiring proof that violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action. I find that the Issuing Officer specified that the above violation is a Class 2 violation, not a Class 1 violation, and therefore has failed to establish a credible prima facie case that the above Class 1 violation occurred.

Accordingly the violation is dismissed.

TOTAL CIVIL PENALTY: \$0.00

			AUG 06 2010
Mon Aug 2010 08/02/10 12:37:40	Control 5		08/02/2010
Phillip Weitzman, Administrative Law Judge			Date

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