



**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 #: 034804604X (1 NOV)
Hearing Date: July 28, 2010

To: Cohen, Hochman & Allen
80 Maiden Lane - suite 507
New York, NY 10038

City of New York v. EXPLORE REALTY CORP

Total Civil Penalty: \$0.00

I 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: 034804604X
PLACE OF OCCURRENCE: 2107 BEVERLY ROAD BROOKLYN
DATE OF OCCURRENCE: 08/20/2009
ISSUING OFFICER/AGENCY: 2220 DOB
ECB CODE: B301
CHARGE: AC 28-105.1
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 034804604X AC 28-105.1

Bradley Green, Esq. appeared for the Respondent, Explore Realty Corp., in response to a Notice of Violation alleging a violation of Section 28-105.1 of the Administrative Code of the City of New York for work without a permit. Sarah Fiona Phillips, Esq. appeared for the Petitioner Department of Buildings.

Ms. Phillips presented two photographs taken by the Issuing Officer at the time and place of occurrence showing the conditions on the roof and the chimney. I credit Ms. Phillips' photographic evidence.

Mr. Green stated that the conditions observed by the Issuing Officer and shown in Petitioner's photographic exhibits are properly classified as minor alterations not requiring a permit from the Department of Buildings.

Ms. Phillips stated that the photographs appear to show that the chimney is not new and that further evidence would need to be presented in order to establish that the conditions were not a minor repair or alternation.

I find that the Petitioner has not established a credible prima facie case that the observed conditions require a permit from the Department of Buildings.

Accordingly the violation is dismissed.

TOTAL CIVIL PENALTY: \$0.00		
Thu Aug 2010 08/05/10 11:27:40	Control 5	08/05/2010
Phillip Weitzman, Administrative Law Judge	AUG 06 2010	Date

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