



**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



904910912A808D90ED

Method of Appearance
Live Hearing

DECISION AND ORDER
Violation #: 034821334J (1 NOV)
Hearing Date: August 12, 2010

To: HOCHMAN
80 MAIDEN LN-506
NY, NY 10038

City of New York v. ROCKLEDGE SCAFFOLD
CORP

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: 034821334J
PLACE OF OCCURRENCE: 150 WEST 58 STREET MANHATTAN
DATE OF OCCURRENCE: 01/25/2010
ISSUING OFFICER/AGENCY: 2443 DOB
ECB CODE: B207
CHARGE: AC 28-105.1
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 034821334J AC 28-105.1

Petitioner appeared by K. Kamen and Respondent, Rockledge Scaffold Corp., appeared by R. Hochman. Mr. Hochman denied the allegations on the grounds that Respondent applied for a new permit on 1/5/10 before its old permit expired but the Department of Buildings (DOB) failed to issue the renewal permit. Respondent, in an attempt to obtain the valid permit wrote many emails and correspondence to the DOB (Exhs. A-G) However, it was not until Respondent paid a \$5,000.00 civil penalty for not having the permit that Respondent was able to obtain a permit. Respondent does not know why it had to pay the \$5000.00 penalty. There was no explanation given by the Department of Buildings and no explanation at the hearing. Based on the credible evidence presented, I find that Respondent made every possible effort to renew the cited permit before its expiration and the Department of Buildings failed to renew the permit for some unknown reason. Accordingly, I find that Respondent presented a valid defense to the charges and dismiss the violation.

TOTAL CIVIL PENALTY: \$0.00

AUG 20 2010

Tue Aug 2010 08/17/10 11:50:28

Control 5

08/17/2010

Rachel Potasznik, Administrative Law Judge

Date

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