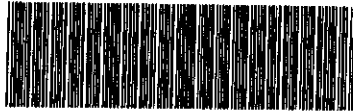


Website



**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



959671612CEBBD684B

Method of Appearance  
Live Hearing

**DECISION AND ORDER**  
Violation #: 034836299P (1 NOV)  
Hearing Date: December 9, 2010

To: Robert Hochman Esq  
80 Maiden Lane  
suite 506  
New York, NY 10038

City of New York v. ACCURA RESTORATION  
INC

**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: 034836299P  
PLACE OF OCCURRENCE: 360 CENTRAL PARK WEST MANHATTAN  
DATE OF OCCURRENCE: 05/19/2010  
ISSUING OFFICER/AGENCY: 2427 DOB  
ECB CODE: B150  
CHARGE: BC3314.4.3.1 AC27-1045.B  
DISPOSITION: DISMISSED  
CIVIL PENALTY IMPOSED: \$0.00

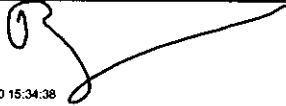
**FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:**

NOV: 034836299P BC3314.4.3.1 AC27-1045.B  
348-362-99P

Althea Bender Esq. appeared for the petitioner. Mr. Hochman appeared for the respondent, denied the violation and submitted a weather history for 5/19/10, four (4) daily check lists for suspended scaffolds. Inspector Mills testified that he issued the violation after he spoke to the foreman who stated "that he did not have a daily log on site." Inspector Mills testified that he reviewed the scaffold and it all seemed proper and that he could not remember if there were workers on the scaffold or not. S. Markatos, a principal in the respondent company, testified that he was not at the location but got a call from the super, so he sent his foreman over to the location. Mr. S Markatos testified that it was raining on the date of the violation so no one was on the scaffold therefore there was no log. Mr. S. Markatos submitted daily work logs. On second page of the next day's logs it stated no one worked on the date of the violation.

The violation is dismissed. The cited statute states "before use" that the scaffolds shall be inspected. I find based on the credible testimony of the Inspector Mills that he did not recall if there were workers on the scaffold combined with the testimony of Mr. Markatos and the reliable documentation submitted that the respondent rebutted the prima facie case. I find that no workers were working on the date of the violation and the scaffold was not in use and therefore no daily inspection was required.

**TOTAL CIVIL PENALTY: \$0.00**

  
Wed Dec 2010 12/15/10 15:34:38 Control 5 12/15/2010  
Regina T Kilhenny, Administrative Law Judge Date

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

DEC 17 2010