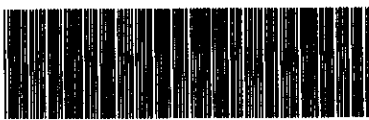




**THE CITY OF NEW YORK  
ENVIRONMENTAL CONTROL BOARD**

**HEARING LOCATION:**  
Environmental Control Board  
66 John Street  
10th Floor  
New York, NY 10038  
(212) 361-1400



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Method of Appearance  
Live Hearing

**DECISION AND ORDER**  
Violation #: 034860736Y (1 NOV)  
Hearing Date: May 12, 2011

To: Bradley Green  
80 Maiden Lane  
Ste 507  
NY, NY 10038

City of New York v. TURNER  
CONSTRUCTION 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: 034860736Y  
PLACE OF OCCURRENCE: 4 PENN PLAZA MANHATTAN  
DATE OF OCCURRENCE: 09/08/2010  
ISSUING OFFICER/AGENCY: 2426 DOB  
ECB CODE: B206  
CHARGE: AC 27MISCAC28MISCBCMI  
DISPOSITION: DISMISSED  
CIVIL PENALTY IMPOSED: \$0.00


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

NOV: 034860736Y AC 27MISCAC28MISCBCMI

Respondent is charged with violating BC3307.5.2. Chris Oliver appeared for Petitioner and submitted 2 photographs. Bradley Green appeared for Respondent and said, as the violation alleged and the evidence showed, that they had workers stopping traffic to protect persons when they had a truck delivering to their worksite. One of the workers was wearing a vest. He said that there is no requirement in the code that a flagperson carry a flag or wear a vest and there is no definition in the code. He said that the intent of the section is to protect the public and Respondent's workers were doing that by stopping traffic.

I find that Respondent had "flagpersons" stopping traffic during deliveries.

Accordingly, the violation is dismissed.

<b>TOTAL CIVIL PENALTY: \$0.00</b>	
	<b>MAY 19 2011</b>
<small>Thu May 2011 05/12/11 15:23:39</small>	<small>Control 5</small>
Joan C Silverman, Administrative Law Judge	Date

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