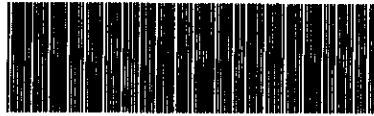




**THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD**

HEARING LOCATION:
Environmental Control Board
350 St. Marks Place
Main Floor
Staten Island, NY 10301
(212) 361-1400



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Method of Appearance
Live Hearing

DECISION AND ORDER
Violation #: 034899944R (1 NOV)
Hearing Date: May 11, 2011

To: Cohen, Hochman, & Allen
80 Maiden Lane Suite 507
New York, NY 10038-4896

City of New York v. CLAUDE DARMONY

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: 034899944R
PLACE OF OCCURRENCE: 77 COPLEY STREET STATEN ISLAND
DATE OF OCCURRENCE: 02/25/2011
ISSUING OFFICER/AGENCY: 2380 DOB
ECB CODE: B187
CHARGE: 28- 201.1
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 034899944R 28- 201.1

Petitioner, the New York City Department of Buildings, appeared by Narisa Sasitorn, Esq.
Bradley Green, Esq. appeared with Respondent, Claude Darmony.


With respect to Notice of Violation (NOV) #34899944R, Petitioner submitted a Property Report noting NOV #34708228L dated 11/3/2008 New York City Administrative Code Section 28-105.1 (Work Without a Permit). (See Petitioner's Exhibits 1-2). Said NOV is marked a Class 1 condition, but was amended to a Class 2).

Counsel for Respondent argued that the predicate violations were by and large in default and that a default may be characterized administratively as a judgment/ not the same as an adjudication or a finding of a violation. Counsel also stated that Respondent has corrected the problem and file an LAA application. (See Respondent's Exhibit 1 - NYC DOB LAA Application Details Paperwork).

Counsel's argument and challenge to the default status of the predicate NOVs is without merit. The default status was entered because Respondent did not appear at the Hearing. Said status was in fact entered as the judgment. That the Respondent failed to avail himself of the adjudicatory process on the underlying NOV(s), does not now change the effect of the default; it remains a judgment that can be used as the basis for the instant NOV.

However, in accordance with appeal No. 1000380 NYC v. Mavis Spencer (July 22, 2010), if the underlying is a Class 2, then the Failure to Comply should also be a Class 2.

Accordingly, this NOV is dismissed.

TOTAL CIVIL PENALTY: \$0.00		
	MAY 13 2011	05/11/2011
Wed May 2011 05/11/11 14:39:18	Control 5	
Tonya Kerry, Administrative Law Judge		Date

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