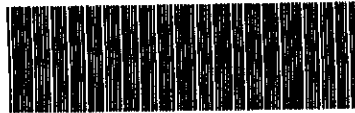


copy



**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 #: 036013089M (1 NOV)
Hearing Date: March 17, 2011

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

City of New York v. ABC PROPERTIES

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: 036013089M		
PLACE OF OCCURRENCE: 140 WEST 58 STREET MANHATTAN		
DATE OF OCCURRENCE: 04/28/2010		
ISSUING OFFICER/AGENCY: 9993 DOB		
ECB CODE: B230		
CHARGE: AC 28-302.4		
DISPOSITION: DISMISSED	CIVIL PENALTY IMPOSED:	\$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 036013089M AC 28-302.4

Michael Burns, Esq. represented the Petitioner. Robert B. Hochman, Esq. represented the Respondent, ABC Properties.

Service is challenged on the basis that the address used for a second mailing was inadequate. The records produced show that the notice of violation was posted at the subject premises, mailed to the premises and was sent to "Murray", 152 West 57th Street. Respondent submitted the MDR for the property dated after the date of the notice of violation, but before the date of mailing. It showed a complete name, Peter Murray, as well as a floor number. Respondent argued that this address is incomplete and, as written, would not be likely to be properly delivered to the intended recipient. Petitioner argued that the MDR was filed after the date of violation and the address as shown was sufficient.

Based on the fact that the records submitted only show a partial name, no company affiliation and no floor or suite number, I find that the address of the second mailing was inadequate. The notice of violation is dismissed.

TOTAL CIVIL PENALTY: \$0.00		
<i>Tol</i>		
		MAR 23 2011
<small>Tue Mar 2011 03/22/11 10:48:06</small>	<small>Control 5</small>	<small>03/22/2011</small>
Neil Tolciss, Administrative Law Judge		Date

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