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**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 #: 036013799R (1 NOV)  
Hearing Date: November 4, 2010

To: COHEN HOCHMAN & ALLEN  
80 MAIDEN LN.  
SUITE 506  
NEW YORK, NY 10038

City of New York v. CRYSTAL PROPERTIES  
LLC

**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: 036013799R  
PLACE OF OCCURRENCE: 580 BROADWAY MANHATTAN  
DATE OF OCCURRENCE: 06/25/2010  
ISSUING OFFICER/AGENCY: 9993 DOB  
ECB CODE: B227  
CHARGE: AC 28-302.5  
DISPOSITION: DISMISSED


CIVIL PENALTY IMPOSED: \$0.00

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

NOV: 036013799R AC 28-302.5

Petitioner DOB was represented by Ms. Althea Bender. Respondent Crystal Properties LLC appeared by attorney Robert Hochman. The NOV alleges a violation of NYC Building Code § 28-302.5, failure to file an amended 6th round report acceptable to DOB indicating correction of unsafe conditions. Mr. Hochman moved to dismiss the NOV based on improper party, stating that the named respondent is not the owner of the subject premises and it not otherwise a proper party with respect to the filing of the amended 6th round report. In support, Mr. Hochman submitted a copy of the deed for the subject premises, showing the owner as Broad Prince Realty Corp., the quarterly property tax bill naming Broad Prince Realty Corp., and an affidavit from Richard Feldman, a member of the named respondent who states that while Crystal Properties LLC maintains offices in the subject premises, they have no ownership interest in the building. Mr. Hochman stated that while Harshad Mistry is a principal of both Broad Prince Realty Corp. and the named respondent, that the named respondent has no ownership interest in the subject premises. Ms. Bender opposed the motion, submitting a copy of the DOB Facade Status Information for the subject premises as an exhibit, which gives the applicant's name as David Salamon of Salamon Engineering, and gives the owner's name as Harsahd Mistry, with the "owner business" listed at Crystal Properties LLC, 35 W. 35th St., NY." Ms. Bender also submitted the NYS Dept. of State Div. of Corporations printout for the named respondent, showing an address for service at Suite 307 in the subject premises. I find respondent's evidence credible that Crystal Properties LLC, the named respondent, has no ownership interest in the subject premises and merely maintains an office within the subject premises. I further find that the fact that Harshad Mistry happens to be a principal of both the owner of the subject premises and the named respondent is not a sufficient basis to conclude that Crystal Properties LLC is a proper party with respect to the NOV or to impose an obligation on the named respondent for the filing of the 6th round amended report. Accordingly I find Crystal Properties LLC is not a proper party, the motion is granted and the NOV is hereby dismissed.

**TOTAL CIVIL PENALTY: \$0.00**

  
= NOV 12 2010  
11/05/2010  
Fri Nov 2010 11:05:10 12:41:17 Control 5  
Philip Sturges, Administrative Law Judge Date

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