



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

**HEARING LOCATION:**  
Environmental Control Board  
233 Schermerhorn Street  
11th Floor  
Brooklyn, NY 11201  
(718) 875-7428



818601512903AC9127

Method of Appearance  
Live Hearing

**DECISION AND ORDER**

Violation #: 038204961K (1 NOV)  
Hearing Date: May 26, 2010

To: Bradley Green Esq Cohen Hochman and Allen  
80 Maiden Lane, Suite 507  
New York, NY 10038

City of New York v. NEW YORK HOIST LLC

**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: 038204961K  
PLACE OF OCCURRENCE: 574 4 AVENUE BROOKLYN  
DATE OF OCCURRENCE: 08/19/2009  
ISSUING OFFICER/AGENCY: 2203 DOB  
ECB CODE: B151  
CHARGE: AC 28-301.1  
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

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

NOV: 038204961K AC 28-301.1

Bradley Green, Esq. appeared for the Respondent, New York Hoist LLC, in response to a Notice of Violation alleging a violation of Section 28-301.1 of the Administrative Code of the City of New York for failure to maintain elevator. Joe Casciano, Esq. appeared for the Petitioner Department of Buildings.

I find that a failure to maintain elevator is properly considered a current violation to be heard under the New York City Construction Code.

Mr. Green presented a copy of a deed to the cited premises showing that Gap Realty Group, LLC is the owner of the property. I credit Mr. Green's documentary evidence. Mr. Green moved to dismiss on the ground that an elevator company is not a proper Respondent for a failure to maintain elevator violation.

Mr. Casciano stated that he sees nothing to hold an elevator company as a proper Respondent.

A.C. Section 28-301.1 refers to an owner's responsibilities to maintain. I therefore find that Respondent is not a proper Respondent to this violation and grant Mr. Green's motion.

Accordingly the violation is dismissed.

**TOTAL CIVIL PENALTY: \$0.00**

Fri Jun 2010 06/04/10 11:57:34

Control 5

JUN 07 2010 06/04/2010

Phillip Weitzman, Administrative Law Judge

Date