



THE CITY OF NEW YORK ENVIRONMENTAL CONTROL BOARD

Reference#: 44543 Page 1 of 1

Location: 144-06 94th Avenue, Main Floor, Jamaica, NY 11435, (718)298-7300

Method of Appearance: AT HEARING

Violation Number: 034566664R

Mallout DOB/T

City of New York vs [REDACTED]

Issuing Officer: ST. ROSE, D.

Agency: DEPARTMENT OF BUILDINGS

Place of Occurrence: [REDACTED]

Borough: QUEENS

Disposition: DISMISSED

Hearing Date: 10/20/2009

TO: ADAM LEITMAN BAILEY, P.C.

120 BROADWAY APT#: 17TH FL
NEW YORK, NY 10271

A Notice of Violation was duly served, charging that on: 2/21/2007, at , the Respondent violated the below infraction(s).

The Respondent appeared and entered the plea(s) indicated below, and a hearing was held before me on the above-cited date.

On the Record before me, I find: DISMISSAL: For the reasons stated below, the Notice of Violation is dismissed.

Infra. Code	Section/Description	Plea	Disposition	Reason	Penalty
BBQ2	A.C. 27-147 WORK WITHOUT A PERMIT: HAZARDOUS.	Deny	Dismissed	8	\$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

Adam Bailey and Pete Reid represented the respondent and denied the violation of work without a permit in the installation of water and waste lines for a three-piece bathroom, residential sink, and a gas line for a stove.

Mr. Bailey questioned service, in that reasonable efforts were not made to effect service. The superintendent of the building appeared, stating that he was at the building the entire day, and was not served. He stated that he picked the notice of violation off the door a few days after the violation issued. Mr. Bailey also questioned mail service. Building Department Representative Pena reviewed DOB records and found that mail service was effected at the place of occurrence, and furnished printouts to substantiate this.

Mr. Bailey questioned the superintendent, who stated that he began working at the place of occurrence in 1987 which was prior to the transfer of this property to the cited respondent, and at that time, there was this unit used by doorman, porter, etc. as a temporary rest area.

Credible testimony of pre-existing condition, i.e., the apartment was installed prior to the transfer of the property to the named respondent, warrants dismissal of the violation.

CIVIL PENALTY: I order the Respondent to pay a total of: \$0.00

In addition, I order the Respondent to perform the Compliance Order(s), if any, listed above.

Dolores Balsamo
Signature of Administrative Law Judge

10 20 09
Date

ALJ #: 664

ALJ Name: BALSAMO, DOLORES

Date Mailed: DEC 09 2009

PAYMENTS DUE WITHIN 10 DAYS

READ BACK OF THIS ORDER-PROTECT YOUR RIGHTS

ECB V-F (10/17/08)(R3)