



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Seth Nadler Esq. - Jack Jaffa & Associates 147 Prince Street Brooklyn, NY 11201	Summons No: 035674138L et al. (1 Summons) DEPT OF BUILDINGS, -against- 534 WEST 42ND CONDOMINIUM Hearing Date: 01/11/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035674138L	Sustained	06/14/2023	534 W 42nd st Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	ULT	PENALTY
1	B104	AC 28-302.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on January 11, 2024. SETH NADLER appeared as counsel for. Ms. Clouden Esq. appeared on behalf of petitioner DOB and Inspector Fallon. Respondent is being charged with 28-302.1 Failure to maintain building wall(s) or appurtenances.

Petitioner provides an evidence packet with testimony from inspector fallon. Inspector fallon identified the condition including the cracked facade on the second floor terrace. Respondent requested the class be reduced to a class 2 violation as the facade crack was not a danger to the public. However, inspector states the cracks were along the terrace to the second floor apartment which is hazardous to any person using the terrace and potentially people below.

Respondent also provides a letter from its contractor dated after the summons was issued stating the crack came from the neighbors netting and that they are now in compliance. Petitioner provides evidence to the contrary. Respondent has not provided any proof of correction prior to the first hearing date.

I credit Respondent's testimony. Therefore, summons sustained.



01/11/2024

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Eric Howard, Hearing Officer

Date