

NYCServ Violation Copy

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35383094Z

NYC

SUMMONS AND COMMISSIONER'S ORDER • CIVIL PENALTIES APPLY

SUMMONS NUMBER: 35383094Z

ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS

AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 www.nyc.gov/buildings

35383094Z

RESPONDENT: Highbury Concrete, Inc (First Name/Entity, Last)

MAILING ADDRESS: 53-19 46th Street DOB License/Registration #: 601103-06
Maspeth, NY

CELL PHONE: N/A

DATE OF OCCURRENCE: 02/06/2019 TIME OBSERVED: 10:00 am/pm

PLACE OF OCCURRENCE: 30 East 29th Streets BOROUGH: Manhattan

BLOCK: 258 LOT 54 BIN: 1016918

You must appear or respond to the details of violation(s) below. For HOW TO RESPOND, see the back of this summons.

HEARING DATE: 04/04/2019 AT: 8:30 am 10:30 am 1:30 pm

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS: Manhattan [Borough] (See reverse side for address)
 Phone: (844)628-4692

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.

WARNING: If you do not appear or respond to this Summons, the City will decide the Summons against you and impose penalties. Failure to pay a civil penalty could lead to the denial of an application for, or the suspension, termination or revocation of a City license, permit or registration. In addition, the City may enter a judgment against you in court.

COMMISSIONER'S ORDER TO CORRECT VIOLATION CONDITION(S)

CURE DATE (Zero Penalty Option, if available): _____ Must Appear: (If disputing the charge)

Details of Violation(s)

Type of Construction: NB No. of Stories: 46 Vio. Type: CE Dist. 05 Code BG No. 05

Occupancy at Time of Inspection: under construction Complaint#: 1500968 Related Job#: 121204552
(if applicable) (if applicable)

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below of the NYC Administrative Code, the NYC Zoning Resolution and/or Titles 1 or 2 of the Rules of the City of New York.

| Violating Conditions Observed | Infraction Code | Class | Provision of Law | <input type="checkbox"/> Recurring Condition- Aggravated I per 1RCNY 102-01(f) | Stop Work/Vacate Order Issued <input checked="" type="checkbox"/> Full <input type="checkbox"/> Partial |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| | <u>B109</u> | <u>1</u> | <u>BC320.2</u> | | |
| <input type="checkbox"/> ILLEGAL CONVERSION—CLASS 1 Per 28-202.1 & 1 RCNY 102-01 additional daily penalties for continued violation of Article 210 of Title 28 also applicable <input type="checkbox"/> Per 28-202.1 & 1 RCNY 102-01, additional Class 1 daily or Class 2 monthly penalty may apply <input checked="" type="checkbox"/> Aggravated II Condition per 1 RCNY 102-01(f) | | | | | |

Violation Detail(s): Failure to institute and maintain safety equipment measures and temporary construction.
Note: At the time of my inspection of a 46 story building at sub cellar level performing follow up inspection to an incident where workers collapse in sub cellar level due to carbon monoxide accumulation from gasoline generators being use. Review of documents reveal that there were no safety measures in place to safeguard personnel accessing sub cellar level during operations or preparation for hazardous activities, conforming to N.Y.C fire code and providing a safety plan for unsafe condition and operation creating a hazardous condition that occur for 9 workers. REMEDY: STOP ALL WORK PROVIDE SAFETY MEASURES FOR OPERATION GOING FORWARD CALL CSE FOR REINSPECTION.

THE COMMISSIONER ORDERS THAT YOU TIMELY CORRECT THESE CONDITIONS AND FILE A CERTIFICATE OF SUCH CORRECTION See 1RCNY 102-01 and the reverse for instructions on certifying correction. Uncorrected violations are subject to additional violations and penalties. For certain charges, additional DOB civil penalties may apply pursuant to sections 28-213.1, 28-219.1 and 28-207.2.6 of the Administrative Code. A property owner may be liable for payment of these additional civil penalties even if not cited as respondent on this summons.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the Department of Buildings, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Issuing Officer: B. GARCIA Signature: [Signature] Badge# 2555 Unit Code: CE

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ECB-PC (Rev. 6/18)