

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART B

copy
#36

Consent

ORDER AND NOTICE OF VIOLATION

Index No.: HP 324881/24

Premises: 38 6th Ave
Brooklyn, NY 11217

38 6th Ave Tenants' Assoc.
et al.

Petitioner(s),

-against-

Avanath B3 LLC et al

Respondent(s),

and

DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT OF THE CITY OF NEW YORK,

Co-Respondents.

P R E S E N T: HON. Michael Weisberg
J.H.C.

Upon reading the Order to Show Cause dated *9/10/24*, 2024, the
affirmation/affidavit of petitioner, and the petitioner and respondent DHPD having appeared
and *Mark Davies, Esq. of Rose + Rose* (~~no one~~) having appeared in opposition,

Now, on motion of petitioner (and DHPD) for an order, and such motion having been
heard by me on *12/17/24*, 2024

IT IS HEREBY FOUND:

1) That the respondent(s) "owner(s)" was/were properly served.

2) That the following conditions existing at the premises that are listed in the
annexed inspection report dated *8/27/24, 8/22/24, 8/10/24, 6/30/24, 6/18/24, 5/15/24, 4/29/24, 3/5/24,*
and classified pursuant to hazard class are violations of the Housing Maintenance Code *9/13/24*
and/or the Multiple Dwelling Law. *limited to door lock, intercom system, and roach violations only*

3) That after ~~(trial)~~ ~~(inquest)~~ (conference) the court has found that the following
conditions as listed in the inspection report and on Schedule A exist at the premises and
are violations of the Housing Maintenance Code and/or the Multiple Dwelling Law.

IT IS HEREBY ORDERED as follows:

a) For violations issued prior to ~~December 18, 2024~~, the respondent(s)

~~*Avanath B3 LLC, Pacific Park 38 Sixth Ave LLC, PP 38 Sixth Ave TC LLC,*~~
~~*Adam Butler, Anthony Coleman, Wes Wilson*~~

~~shall correct ~~the~~ violations listed on annexed inspection report and on Schedule A and ~~be~~ *30*
classified as "C" (immediately hazardous) violations within 24 hours of the date of service
of this order, except for "C" violations regarding lead paint hazards, mold, pests and
self-closing doors, or be subject to civil penalties of \$50.00 per day per violation
occurring in a building containing five or fewer dwelling units, and civil penalties of
\$50.00-\$150.00 per violation plus \$125.00 per day per violation occurring in a building
containing more than five dwelling units, said penalty to accrue from the end of the period
set for compliance until the violation is corrected. The penalty for violations placed fo~~

Failure to supply heat and hot water as required by law shall be, for each such violation, \$250.00 per day from and including the date the violation was placed until the violation is corrected, except for violation(s) involving a device on the heating system, in which case the penalty shall be \$25.00 per day for each such violation, from and including the date each such violation is placed, but such penalty shall not be less than \$1,000 for each violation.

b) The respondent(s) shall correct ~~the~~ violations listed in the ~~inspection report~~ ^{petition specifically 16932143} and on ~~Schedule A~~ and classified as "B" (hazardous) violations within ~~30~~ ⁶⁰ days of the date of service of this order, or be subject to civil penalties of \$25-\$100 per violation plus \$10 per day per violation, said penalty to accrue from the end of the period set for compliance until the violation is corrected.

c) The respondent(s) shall correct ~~the~~ violations listed in the ~~inspection report~~ ^{petition specifically 1465159 and 1674378} and on ~~Schedule A~~ and classified as "A" (non-hazardous) violations within ~~30~~ ⁹⁰ days of the date of service of this order, or be subject to civil penalties of \$10-\$50, said penalty to accrue commencing at the end of the period for compliance.

d) For violations issued on or after December 8, 2023, the respondent(s)

Avanath B3 LLC, Pacific Park 38 Sixth Ave LLC, PP 38 Sixth Ave TC LLC
Adam Butler, Anthony Coleman, Wes Wilson ^{17224859, 17186146}

shall correct all violations listed ^{in the petition specifically Violation No. 17224859, and 16719379} on ~~annexed inspection report~~ and on ~~Schedule A~~ ^{within 30 days} and classified as "C" (immediately hazardous) violations within 24 hours of the date of service of this order, except for "C" violations regarding lead paint hazards, mold, pests and self-closing doors, or be subject to civil penalties of \$150.00-\$750.00 per violation plus \$50.00-\$150.00 per day occurring in a building containing five or fewer dwelling units, an \$150.00-\$1,200.00 per violation plus \$150.00-\$1,500.00 per day occurring in a building containing more than five dwelling units, said penalty to accrue from the end of the period set for compliance until the violation is corrected.

The penalty for violations placed for failure to supply heat and hot water as required by law shall be, for each such violation, \$350.00-\$1,250.00 and \$500.00-\$1,500.00 per day for subsequent violations.

e) The respondent(s) shall correct all violations listed in the ~~inspection report~~ ^{petition as specified therein} and on ~~Schedule A~~ and classified as "C" violations regarding lead paint hazards (violation of record order numbers 606, 607, 610, 611, 612, 616, 617, 618, 619, or any other lead paint hazard violations placed by the court) within 21 days of the date of service of this order or the date provided in the Notice of Violation whichever is sooner, or be subject to civil penalties of \$250.00 per day to a maximum of \$10,000.00 per violation, said penalty to accrue from the end of the period set for compliance until the violation(s) is/are corrected and certified to the department. Nothing in this order shall be deemed to stay any activity of DHPD's Emergency Repair Program to complete work after the due date based on DHPD's service of the Notice of Violation.

f) Notwithstanding the civil penalties set forth in subdivision (a) of section 27-2115 of the Housing Maintenance Code, the civil penalty for a self-closing door violation pursuant to section 27-2041.1 subdivision (d) shall be not less than \$250.00 nor more than \$500.00 plus \$250 per day from the date set for correction until the violation is corrected.

g) The respondent(s) shall correct all violations listed in the ~~inspection report~~ ^{petition specifically 16932143} and on ~~Schedule A~~ and classified as "B" (hazardous) violations within ~~30~~ ⁶⁰ days of the date of service of this order, or be subject to civil penalties of \$75-\$500 per violation plus \$25-\$125 per day per violation, said penalty to accrue from the end of the period set for compliance until the violation is corrected.

h) The respondent(s) shall correct all violations ~~listed in the inspection report and on Schedule A~~ and classified as "A" (non-hazardous) violations within 90 days of the date of service of this order, or be subject to civil penalties of \$50-\$150 per violation plus \$25 per day per violation, said penalty to accrue commencing at the end of the period for compliance.

~~i) Access for removal of violations will be provided by petitioner-tenant on between 9 AM and 5 PM; however, if the respondent's(s') workers do not arrive by 12 Noon, tenant need not remain in the apartment to provide access.~~

j) As to violations pertaining to concealed water leaks, respondent(s) shall present proof to court of all steps taken to correct said condition if proceeding is restored to the court calendar.

k) Failure by the respondent(s) Avanath B3 LLC, Pacific Park 38 Sixth Ave LLC, PP 38 Sixth Ave TC LLC, Adam Butler, Anthony Coleman, Wes Wilson

above within to correct violations listed ~~on the inspection report and on Schedule A~~ within the periods required by paragraphs (a-j) shall subject them to the contempt power of the Court.

l) The respondent(s) shall not remove any doors, walls, partitions, appliances, fixtures or essential services such as gas, electrical, heat or hot water unless and until petitioner is evicted by a marshal pursuant to court order or willingly and freely surrenders possession of the premises. This order does not authorize anyone to evict, eject or otherwise remove petitioner(s) from premises.

m) Service of this order may be made upon all parties or their attorneys by personal delivery or by regular mail.

n) This Court will retain continuing jurisdiction over this matter.

o) This proceeding may be restored to the calendar of the Housing Part where this order was signed to obtain a hearing on the issue of civil penalties, and a continuing order to correct the violations enumerated on Schedule A and inspection report of this order and such other and further relief, as the court deems just and proper by filing notice with the Clerk of the Housing Part, Civil Court of the City of New York, COURT_ADDRESS, and by then mailing copies of said notice to all parties, including any attorney who may have appeared for any party, at least eight (8) days prior to the date on which the proceeding will appear on the calendar, at the address listed below.

Respondent(s) owner(s) atty
Rose + Rose
291 Broadway - 13th Fl.
NY, NY 10007
212 349 3366

Petitioner reports the hot water violations appear to be corrected.

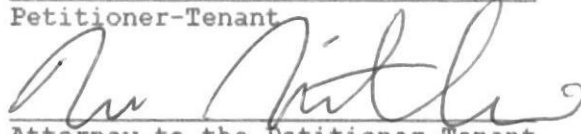
Department of Housing Preservation and Development
100 Gold Street 6th Floor
New York, NY 10038
Attn: BROOKLYN Unit

We hereby consent to the entry of the above Order and Notice of Violation.

Dated: _____, 20__

Petitioner-Tenant

Dated: Dec 18, 2024


Attorney to the Petitioner-Tenant

Dated: _____, 20__

Respondent-Owner

Dated: _____, 20__

Respondent-Owner

Dated: Dec 18, 2024


Attorney for Respondent-Owner


Dated: _____, 20__

_____, of Counsel

Martha Ann Weithman
Attorney for Respondent DHPD
100 Gold Street, 6TH Floor
New York, NY 10038

So ordered:

Dated: 12/20, 2024


Michael L. Weisberg
J.H.C.