



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 000607569N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- BREEAAD INTERNATIONAL INC Hearing Date: 07/21/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$220.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000607569N	Sustained	07/24/2025	57-11 Mrtyle Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BN29	A.C. 24-227(A)	Sustained	\$220.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Tiffany Irizarry to respond to the charge that Respondent operated an air circulation device (HVAC unit) above allowable levels, SLM readings taken 3 feet from open window inside complainant's apartment registered 56dB(A) total and 47dB(A) ambient source being 56dB(A).

Petitioner appeared by Sr. Inspector Monnica Dorson and submitted photos of the unit in question and the issuing inspector's Noise Inspection Report together with the NYC DOF Statement of Account for the subject premises.

Ms. Irizarry argued that the charge does not set forth the unit number for the HVAC unit in question and therefore the

summons is defective. Respondent did not provide a defense on the merits.

Inspector Dorson stated that Respondent was notified regarding the complaint and also, that the Noise Inspection Report sets forth among other things, that "[r]espondent manager was advised of the complaint, [the] NYC noise code and violation" and that there were "[u]nusual humming sounds emitting from [the] unit, advised manager to have unit serviced for possible malfunction".

NYC AC section 24-227(a) provides as follows:

No person shall operate or permit to be operated a circulation device in such a manner as to create a sound level in excess of 42 dB(A) when measured inside a receiving property dwelling unit. The measurement shall be taken with the window or terrace door open at a point three feet from the open portion of the window or terrace door.

I credit the issuing inspector's observations as described in the charge and the Noise Inspection Report which support a violation under the cited code section and that there was noise from the subject HVAC system in excess of 42dB(A). I further find that Respondent was notified about the noise complaint as described in the Noise Inspection Report and as explained by Inspector Dorson. Respondent's argument to the contrary is not credible.

Accordingly the summons is **sustained**.

Melanie Finkel

07/27/2026

07/27/2026

Melanie Finkel, Judicial Hearing Officer

Date