OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	**Summons No: 039547194J et al. (1 Summons)** **DEPT OF BUILDINGS,** **-against-** **LXC CONSTRUCTION INC** **Hearing Date: 09/18/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039547194J	Dismissed	11/20/2025	4936 KINGS HIGHWAY Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B212	BC 3303.4 27-1018	Dismissed	$0.00

Findings of Fact & Conclusions of Law

The hearing was conducted by phone on September 18, 2026. Petitioner appeared through Taylor Barje, Esq. Respondent appeared through Michael Sargo, Esq.

Respondent was charged with a Class 1 violation of Misc. BC Chapter 33 citing BC 3303.4.2.

Ms. Barje submitted Petitioner's evidence into the record. *See* Pet. Ex. 1. She stood on the summons and submitted evidence.

Mr. Sargo moved for dismissal based on the cited section being under housekeeping which has a maximum penalty of $ 12500 which differed from that of the charged miscellaneous section - $10000. He argued that the summons was violative of 48 RCNY 6-08(c)(4) insofar as it failed to provide adequate and sufficient information for Respondent to calculate the maximum penalty.

Ms. Barje moved to amend to a Class 2 violation of BC 3303.4 & 27-1018 (B212) as the subsection cited by the IO was in the housekeeping section; she argued the amendment would be non-prejudicial as the maximum penalty would then be $10000 as stated on the summons. She argued there was no confusion and noted this was not a case where the cited subsection did not fit.

Mr. Sargo objected to the amendment and argued, instead, the summons should be dismissed.

I decline to amend the charge. If a specific code section is provided for in the DOB penalty schedule, that provision governs what the maximum penalty should be, and so if the max penalty stated on the summons is different, then it doesn't comply with 48 RCNY 6-08(c)(4).

Summons dismissed.



09/28/2026

09/28/2026

Charles Simpkins, Judicial Hearing Officer **Date**