

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039547212Y	Sustained	11/21/2025	31-32 38 STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B217	BC 3301.9	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

A hearing was conducted by telephone on August 11, 2026. Phoebe Dossett, Esq. appeared for the respondent. Kimberly Manas, Esq. appeared for the petitioner. Summons ending in 11M alleged a violation of BC 3307.1 in that the respondent placed construction materials on top of a "shed/scaffold." Summons ending in 12Y alleged a violation of BC 3301.9 in that there was a partially covered information panel on the sidewalk shed with the wrong address listed.

The petitioner presented an evidence packet for summons ending in 11M that included photographs of the alleged violation. The respondent's attorney argued that the summons was facially insufficient as it alleged that materials were on the scaffold, which is not meant for pedestrian protection. The respondent's attorney further argued that the respondent was permitted under BC 3314.4.4.2 to store materials on the scaffold.

I do not find either of these arguments convincing. The summons itself notes that there were construction materials on the "shed/scaffold." Furthermore, BC 3314.4.4.2 deals with load capacity, which is not at issue here. I, therefore, credit the summons allegations, uphold the summons, and impose a penalty of \$2400.

As to summons ending in 12Y, the petitioner rested on the summons; the respondent denied the allegations without rebuttal. I, therefore, credit the summons allegations, uphold the summons, and impose a penalty of \$1250.

			
08/11/2026	08/11/2026		
<table style="width: 100%;"> <tr> <td style="width: 70%; text-align: left;">Chin Ho Cheng, Hearing Officer</td> <td style="width: 30%; text-align: right;">Date</td> </tr> </table>		Chin Ho Cheng, Hearing Officer	Date
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