



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039124355R et al. (1 Summons) DEPT OF BUILDINGS, -against- OAC ADELPHI, LLC C/O: OKADA & COMPANY LLC Hearing Date: 06/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039124355R	Dismissed	09/09/2024	109 WEST 24 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B153	28-211.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons was issued on September 9, 2024, with a return date of November 14, 2024. Hearing was adjourned to June 30, 2025 for the Issuing Officer (IO).

Attorney Cassie Rene appeared for Petitioner, Department of Buildings and Attorney Caroline Kane appeared for Respondent OAC ADELPHI, LLC C/O: OKADA & COMPANY LLC, on June 30, 2025. IO Guitterez appeared for the Petitioner.

Respondent is charged with NYC Administrative Code Section 28-211.1. The allegation is designated as a Class 1 immediate hazardous.

Summons alleges that ...filed a certificate, form, application etc, containing a material false. False filing on PW1...Item #26 checked "No" for occupied building and "no" for rent when in fact building is occupied in apartments 3R & 5F...

Petitioner rested on the summons.

Respondent cross-examined the IO. IO testified that they spoke to the tenants, so this is how they knew it was occupied.

Respondent moved to dismiss. Respondent submits the PW1, see Respondent Exhibit A, and argued that the current owner did not submit the false statement therefore this is wrong named Respondent. Respondent argued that the owner at the time "111 West" submitted the document. Respondent also argued that there is no option to check off the building is occupied. Respondent argued that the general contractor was different when the application was submitted.

Petitioner argued that the current owner is in control of the work so they are responsible. Petitioner argued that they are unsure whether the sale of this property is a long-arm transaction, so the proper party was named.

Respondent argued that it was a long arm transaction and submitted a deed, see Respondent Exhibit B.

Petitioner examined the IO on service. IO testified that no one was there so they posted the summons.

New York City Administrative Code Section 28-211.1 provides "It shall be unlawful for any person to knowingly or negligently make or allow to be made a material false statement in any certificate, professional certification, form, signed statement, application, report or certification of the correction of a violation that is either submitted directly to the department or that is generated with the intent that the department rely on its assertions.."

I credit the Respondent's argument. I find that this is an improper party cited since the Respondent, the current owner, did not sign nor prepare the PW1 therefore they are not responsible material false statement made in the PW1. NYC v. 1601 Park Place Realty LLC, Appeal No. 1600354 (June 30, 2016). Respondent's evidence indicates that "111 West" was the former owner responsible for the false statement.

Accordingly, the Summons is dismissed.

Iyayi Uwa

07/07/2025

07/07/2025

Iyayi Uwa, Hearing Officer

Date