



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: 039124365K et al. (1 Summons) DEPT OF BUILDINGS, -against- KEDC CORP Hearing Date: 06/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039124365K	Sustained	09/09/2024	109 WEST 24 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B112	28-207.2.2	Sustained	\$5,000.00

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 KEDC CORP, on June 30, 2025. IO Guitterez appeared for the Petitioner.

Respondent is charged with NYC Administrative Code Section 28-207.2.2. The allegation is designated as a Class 1 immediate hazardous. This is an alleged aggravated II charge.

Summons alleges that ...observed several workers performing work framing, duct work which was under a partial stop work order, since 9/5/2024 to vio # 39124069X upon inspection performed it revealed failure to comply with stop SWO...

Petitioner examined the IO. IO testified that work continued from last visit.

Respondent cross-examined the IO. IO testified that this is aggravated II because there is no compliance of the SWO and there is history of non-compliance.

Respondent argued that there are no other SWO issued to them nor a prior violation so no history of non-compliance.

Petitioner argued that there is a history of non-compliance to the SWO so stand by summons.

New York City Administrative Code Section 28-207.2.2 provides.... "No person shall with knowledge or notice of a stop work order allow, authorize, promote, continue or cause to be continued any work covered by the stop work order, except such work that may be required by order of the commissioner."

I credit the allegations in the summons. I find that Respondent did not have a valid defense. Section 102-01(f)(2) of Title 1 of the Rules of the City of New York (RCNY) provides, in pertinent part, that Agg II penalties shall be imposed:. . . (iii) Where the respondent or defendant has a history of non-compliance with laws or rules enforced by the Department at one or more locations. I find that Petitioner submitted no evidence of a history of non-compliance to substantiate the aggravated II charge. DOB v. D'ARPA, JOHN, Appeal No. 2401626, (January 30, 2025).

Accordingly, the summons is sustained and a standard penalty of \$5000 is imposed.

Iyayi Uwa

07/07/2025

07/07/2025

Iyayi Uwa, Hearing Officer

Date