



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039098997M et al. (1 Summons) DEPT OF BUILDINGS, -against- 479 WARREN STREET LLC Hearing Date: 11/01/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039098997M	Sustained	11/08/2023	479 WARREN STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	27-Misc, 28-Misc, BC -Misc	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Petitioner, Department of Buildings ("DOB"), appeared by Daniel Brickman, Esq. Respondent, 479 WARREN STREET LLC, was represented by Matthew Whitening at a telephone hearing on November 1, 2024.

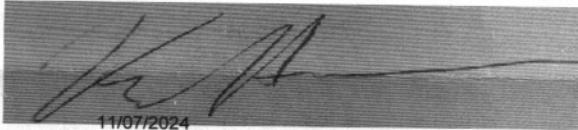
Respondent was charged with a class 2 violation of 27-Misc, 28-Misc, and BC-Misc. The summons states, "Failure to comply with dept. of buildings requirement for permit #310159182 issued 7/8/2008 expired 7/29/2008 and permit #310059691 issued 11/26/2007 expired 7/29/2008 permits has not been signed off within one year following it expiration per 28-116.4 of the Administrative Code." The date of occurrence was November 8, 2023.

Petitioner relied on the sworn statement by the issuing officer.

Respondent's representative stated they are moving to dismiss the summons. Respondent did not sign off on the work performed as they did not complete the work by the expiration date mentioned in the summons. Respondent representative stated the work was never completed.

Petitioner stated Respondent needed to renew the permit or close out permit once the original permit was approaching the expiration date.

Code § 28-116.4 requires a DOB sign-off and issuance of a letter of completion of projects for which a permit was issued. Petitioner established its prima facie case by the issuing officer's affirmed statements in the summons. See 48 RCNY § 6-12(b). The burden of proof then shifted to Respondent to refute or otherwise establish a defense to the charge. See 48 RCNY § 6-12(a). Here, I find Respondent did neither. Respondent's representative provided a general statement that the work was never completed but did not present any further evidence to refute the charge. Therefore, the summons is sustained.


11/07/2024

11/07/2024

Kiara Ampuero, Hearing Officer

Date