



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 039537693P et al. (2 summonses) DEPT OF BUILDINGS, -against- VITAL DEVELOPMENT GROUP 1 Hearing Date : 6/17/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	1,250.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039537693P	Sustained	03/06/2025	33-10 38 AVENUE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B282	28-105.12.2	Sustained	625.00

Total Penalty for Summons: 625.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039537694R	Sustained	03/06/2025	33-10 38 AVENUE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B282	28-105.12.2	Sustained	625.00

Total Penalty for Summons: 625.00

Findings of Facts & Conclusions of Law

Hearing by CourtCall on 6/17/25. Respondent VITAL DEVELOPMENT GROUP I appeared by Michael Sargo, Esq.
Petitioner appeared by Maria Dollas, Esq.

Summonses # 039537693P & # 039537694R

Summons # 039537693P alleges the Class 2 violation of Section 28-105.12.2 of the NYC Building Code and states as follows: Work does not conform to approved construction documents. Proposed 7 story mixed use building. Observe active site CS present upon inspection was noted supported scaffold has been erected contrary to approved drawings. Closing wire to secured crossing bars and missing OSHA planks under scrow jacks some of them not nailed as per code.

Petitioner's representative stated that the SWO was rescinded on 3/25/25 and a certificate of correction was accepted on 5/13/25.

I credit the statements of the issuing officer in the summons as to the matters set forth therein. I find that Respondent violated the cited statute as set forth in the summons. Based on the foregoing, the summons is sustained.

Petitioner's representative recommended that the mitigated penalty be imposed.

In that the certificate of correction was accepted on or before the first scheduled hearing date (being 5/13/25), the mitigated penalty shall be imposed.

Summons # 039537694R alleges the Class 2 violation of Section 28-105.12.2 of the NYC Building Code and states as follows: Work does not conform to approved construction documents. Proposed 7 story mixed use building. Observe active site CS present upon inspection was noted SWS has been erected contrary to approved drawings. On file OHP have adjacent to SWS contrary to approved drawings.

Petitioner's representative stated that the SWO was rescinded on 3/25/25 and a certificate of correction was accepted on 5/13/25.

I credit the statements of the issuing officer in the summons as to the matters set forth therein. I find that Respondent violated the cited statute as set forth in the summons. Based on the foregoing, the summons is sustained.

Petitioner's representative recommended that the mitigated penalty be imposed.

In that the certificate of correction was accepted on or before the first scheduled hearing date (being 5/13/25), the mitigated penalty shall be imposed.

Mark Meirowitz

06/26/2025

06/26/2025

Mark Meirowitz, Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/Pro Se Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you **do not** complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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