



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MABEL OGHOJAFOR - NACMIAS LAW FIRM PPLC
592 PACIFIC STREET
NEW YORK,NY 11217

Summons No: 012159017Y et al. (1 Summons)

NEW YORK CITY FIRE DEPARTMENT,

-against-

ASTORIA BROADWAY HOLDINGS LLC

Hearing Date: 03/03/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: \$935.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
012159017Y	Sustained	09/12/2024	21-34 Broadway Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF35	VC12 .	Sustained	\$935.00

Findings of Fact & Conclusions of Law

The NYC Fire Department waived their presence. Registered representative Mabel Oghojafor appeared on behalf of Respondent Astoria Broadway Holdings LLC at a telephone hearing on March 3, 2025. Respondent's representative waived the assistance of counsel, the use of a translator, a formal reading of the charges and the presence of the issuing officer.

The summons alleges a violation of violation category (VC) 12 as a repeat violation for failure to prevent unnecessary and/or unwarranted alarms. This is a second offense. Date of occurrence was 09/12/24, first hearing was scheduled on 01/27/25 and compliance date was 01/09/25.

Petitioner relied on the sworn narrative of the issuing officer and AIMS screenshot showing a valid prior. Petitioner was seeking correction (marked hearing officer's exhibit).

Respondent did not contest the factual allegations and the prior violation. Respondent's representative explained that the violation was corrected. In support of their request for mitigation, Respondent submitted a letter from Mutual Stat Land Security Services dated 01/01/25 (marked Respondent's Exhibit A).

I credit the sworn statement of the issuing officer and find that Petitioner established the violation. A premises owner is responsible for preventing the transmission of both unnecessary and unwarranted alarms. See *NYC v. Greystone Properties Vesey*, Appeal No. 1400876 (October 30, 2014). Furthermore, it is not a defense to a VC 12 charge that an alarm resulted from external causes where the respondent failed to take appropriate preventative measures. See *NYV v. AFP Holding Inc.*, Appeal No. 1700630 (August 3, 2017). Respondent's explanation of the circumstances that lead to the alarms going off failed to establish a legal valid defense. The Board also has rejected a defense for a smoke alarm system malfunctioning even if the owner of the premises notified their alarm company of this malfunction. See *FDNY v. Dora Clear*, Appeal No. 1900606 (May 16, 2019). Therefore, it is not a valid defense that Respondent's alarm system malfunctioned.

I also credit Respondent's evidence of correction, but this is not a defense to the charge since correction was done after the date of occurrence. However, I find Respondent corrected the violation before the first hearing date.

Therefore, the summons is sustained and the mitigated penalty of \$935 as a second offense is imposed.

	
03/03/2025	03/03/2025
Raul Quezada, Hearing Officer	Date