



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: 035666710N et al. (1 Summons) DEPT OF BUILDINGS, -against- JD ARCH LLC Hearing Date: 10/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$10,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035666710N	Sustained	04/10/2023	617 9th Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1K4	BC3321 .2.1	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

This hearing was conducted by Court Call on October 24, 2025.

Petitioner New York City Department of Buildings (DOB) was represented by DOB attorney Henrietta Asiedu Baidoo. Respondent JD ARCH LLC appeared by attorney Frank Tamberino. The hearing consisted of two Summonses.

The Summons charges a violation of BC3321 .2.1- FAILURE TO ENSURE EACH WORKER IS IN COMPLIANCE WITH BC3321.1

Specifically, the Summons states, "FAILURE TO PROVIDE OSHA SITE SAFETY TRAINING CARD.NOTE:AT TIME OF INSPECTION OBSERVED WORK BEING PERFORMED UNDER AFOREMENTIONED JOB NUMBER NO WORKERS HAD THEIR APPROVED SST OSHA CARDS WITH THEM ATOI IT IS BY CODE THAT ALL WORKERS MUST BE TRAIN AND HAVE THEIR APPROVED SSI OSHA CARD ON THEM AT ALL TIMES WHILE ON A CONSTRUCTION SITE.

In support of the summons Ms. Baidoo an 8-page pdf containing the summons, proof of service, and 3 photographs taken by the inspector at the date of occurrence.

Respondent challenged the class argued petitioner had not established the work site was active and further provided a DOB WORK PERMIT from the time and place of occurrence and certain provisions of the BC to establish the cited provision of the BC does not apply to the interior renovation being performed.

I credit the summons details and evidence provided by the petitioner. I find it establishes a prima facie violation of the charged section of law as Class 1 violation. I credit respondent's evidence but find that the respondent has not rebutted the charge or established a defense. Accordingly, the summons is sustained.



11/10/2025

11/10/2025

William Ross, Judicial Hearing Officer

Date