



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                  |                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MATTHEW WHITENING</b><br>592 PACIFIC STREET<br>BKLYN,NY 11217 | <b>Summons No: 012157134Y et al. (1 Summons)</b><br><br><b>NEW YORK CITY FIRE DEPARTMENT,</b><br><br><b>-against-</b><br><br><b>43-03 BYRD LLC</b><br><br><b>Hearing Date: 01/27/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount:\$935.00</b>         |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 012157134Y       | Sustained                  | 09/17/2024                | 136-20 CHERRY AVE Queens   |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BF35                 | VC12 .                       | Sustained     | \$935.00       |

**Findings of Fact & Conclusions of Law**

Matthew Whitening appeared for Respondent. Inspector Russell Walker appeared for Petitioner FDNY.

Respondent was cited for violating VC 12 for failure to prevent unwarranted alarms. The summons indicates this is a repeat.

Mr. Whitening did not contest the prior. Inspector Walker noted that Respondent had submitted correction to FDNY. He recommended the mitigated penalty for a repeat.

The summons is sustained and the mitigated penalty for a repeat is imposed.

*Viven Chiu*

01/29/2025

01/29/2025

**Viven Chiu, Hearing Officer**

**Date**