



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: 039519490X et al. (1 Summons) DEPT OF BUILDINGS, -against- BRUKLYN BUILDERS INC Hearing Date: 08/02/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$2,500.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039519490X	Sustained	07/14/2023	155 SMITH STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B182	28-105.12.2	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Michael Whitening appeared on behalf of the Respondent, Brooklyn Builders Inc., and Henrietta Baidoo, attorney, appeared on behalf of Petitioner, New York City Department of Buildings (DOB) at a remote hearing held on 8/2/2024.

Respondent was cited for a Class "1" violation of AC 28-105.12.2 for exaction work at the cellar level with GC out of sequence on DM-101.00. Skipped step 2-4 then jumped to step 5 then going to step 1 to install new foundation ,matt with underpinning. The IO noted the violation caused a hazardous condition for tenant building at exposure #2 and pedestrian

walkway if the building collapsed.

AC 28-105.12.2 provides in pertinent part:

...all work shall conform to the approved construction and submitted documents, and any approved amendments thereto.

Ms. Baidoo submitted photographs taken by Issuing Officer Sawerres including construction plans and images of the construction violation. (Ex 1).

Inspector Sawerres testified that Respondent did not follow approved construction documents in that Respondent was out of sequence in installing new foundation matt with underpinning and that this presented a possibility of collapse.

Mr. Whitening stated that the violation was corrected and moved to reduce the violation to a class "2." The motion was denied.

I credit the sworn statement, plans, photographs, and the Inspector's testimony and find they establish that Respondent installed foundation matt out of sequence. I thus find that Petitioner established a violation of the cited section of law. I further find that Petitioner proved the condition severely affects life, health, safety, property, the public interest, or significant number of persons to warrant immediate corrective actions, and that the designation as a class 1 is appropriate.

I do not credit Respondent's assertion that the violation warrants a class "2" designation.

Accordingly, the violation is sustained, and the mandatory penalty is imposed.



08/14/2024

08/14/2024

Janet Gawthrop, Hearing Officer

Date