



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039518108L et al. (1 Summons) DEPT OF BUILDINGS, -against- HP BUILDING MANAGEMENT IN GC#621520 Hearing Date: 05/13/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$625.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039518108L	Sustained	06/22/2023	251 SAINT MARKS AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Sustained	\$625.00

Findings of Fact & Conclusions of Law

The summons alleges a class 2 violation of NYC Administrative Code 28-111.1 in that a temporary certificate of occupancy and/or TCO permit was not provided for a model apartment

Taylor Barje, Esq appeared for the petitioner, NYC Department of Buildings.

Caroline Kanr, Esq appeared for the respondent, HP Building Management Inc, and denied the violation.

Petitioner relied on the inspector's sworn statement and submitted photographs taken by the inspector in support thereof.

Respondent contended that a temporary certificate of occupancy was not required for a model apartment. Respondent stated no one was living there. Respondent stated the condition was corrected prior to the initial hearing date and submitted supporting documentation. Respondent challenged the class of the violation stating that correction only required moving of the furniture.

Petitioner asserted that the provision of law applied in the instant circumstances. Petitioner stated that people not involved in the construction would be brought to the area. Based on respondent's statements and evidence petitioner moved to amend the class of the violation to a class 2 and recommended a mitigated penalty.

NYC Administrative Code 28-111.1 provides, in pertinent part that "The commissioner is authorized to issue a permit for the erection of temporary structures including but not limited to tents, grandstands, platforms, reviewing stands, outdoor bandstands, stages and similar miscellaneous structures and equipment, and for the temporary use of such structures."

A class 2 violation is considered a Major violation. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action.

Petitioner's motion to amend the class of the violation is granted as there is no objection from or prejudice to the respondent.

I credit the factual allegations in the summons which support a violation of the cited code section and find the respondent is entitled to a mitigated penalty for timely compliance. Accordingly, the summons is sustained, and the mandatory mitigated penalty is imposed.

Ilene Sussman

05/14/2025

05/14/2025

Ilene Sussman, Hearing Officer

Date