



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

**Decision**

|                                                                                                            |                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Caroline Kane, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street, 1st Floor<br>Brooklyn, NY 11217 | <b>Summons# : 039097993K et al. (2 summonses)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>JSB Works Inc</b><br><br><b>Hearing Date : 3/21/2025</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                               |                 |                               |                       |
|-------------------------------|-----------------|-------------------------------|-----------------------|
| <b>Total Penalty Amount :</b> | <b>2,500.00</b> | <b>Community Service(Hr):</b> | <b>Not Applicable</b> |
|-------------------------------|-----------------|-------------------------------|-----------------------|

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>       |
|------------------|----------------------------|---------------------------|----------------------------------|
| 039097993K       | Dismissed                  | 10/25/2023                | 244 TROUTMAN STREET,<br>Brooklyn |

| <b>LINE ITEM</b> | <b>OATH CODE</b> | <b>CODE SECTION / RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|------------------|------------------|----------------------------|---------------|----------------|
| 1                | B112             | 28-207.2.2                 | Dismissed     | 0.00           |

**Total Penalty for Summons: 0.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 039097997H | Sustained              | 10/25/2023         | 244 TROUTMAN STREET,<br>Brooklyn |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY  |
|-----------|-----------|---------------------|-----------|----------|
| 1         | B181      | BC 3303.4 & 27-1018 | Sustained | 2,500.00 |

**Total Penalty for Summons: 2,500.00**

### **Findings of Facts & Conclusions of Law**

Respondent JSB WORKS INC appeared by Carolyn Kane Esq. Petitioner NYC DOB appeared by Daniel Brickman Esq.

An adjournment request for Inspector Vicari to appear was denied as it would have been a 4th request.

**039097993K:** At the time, date and place of occurrence, petitioner charged that respondent violated NYC Administrative Code Section 28-207.2.2(Class 1); observed 5 workers performing construction work and electrical work while SWO was issued. Remedy: Comply with SWO; comply with notice of violation.

Mr. Brickman produced the inspector's photographs showing the interior and exterior of the building, as well as workers present. He stated that a partial SWO had been issued on 10/14/2023. Ms. Kane moved to dismiss the summons because petitioner has not produced the SWO to show what the limits were on the type of work respondent's workers could perform.

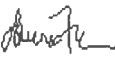
Code § 28-207.2.2 prohibits any person with knowledge or notice of an SWO from continuing work covered by the order.

I agree with respondent that petitioner's allegations are defective and do not set forth a prima facie violation. Per petitioner, there was a partial SWO in effect. The summons does not indicate that respondent had notice of the partial SWO, what work was contrary to the partial SWO, and that the workers were unlawfully continuing this work while on notice of a partial Stop Work. Therefore, I dismiss this summons.

**039097997H:** At the time, date and place of occurrence, petitioner charged that respondent violated NYC Building Code Section 3303.4 and NYC Admin. Code Section 27-1018(Class 1, Aggravated 1): "Observed accumulation of construction dust throughout stairwell and hallways on all 3 floors." Mr. Brickman stated that petitioner would not be pursuing the Aggravated 1 element of the charge.

Petitioner produced the inspector's photographs showing, among other things, the dust coating the hallways. Ms. Kane stated that respondent offered nothing in rebuttal.

I find that petitioner has credibly established that respondent violated NYC Building Code Section 3303.4 and NYC Admin. Code Section 27-1018, as alleged, and sustain the charge. Standard Class 1 penalty for 1st offense is imposed.

|                                                                                     |                   |
|-------------------------------------------------------------------------------------|-------------------|
|  | <b>03/25/2025</b> |
| 03/25/2025                                                                          | <b>03/25/2025</b> |
| <b>Laura Fieber, Hearing Officer</b>                                                | <b>Date</b>       |