



**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 No: 035464353Z et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>DAWNY MARTINEZ</b><br><br><b>Hearing Date: 06/24/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$1,250.00</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> |
|------------------|----------------------------|---------------------------|----------------------------|
| 035464353Z       | Sustained                  | 12/02/2019                | 56 EAST 21 STREET Brooklyn |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | B212                 | BC 3303.4 27-1018            | Sustained     | \$1,250.00     |

**Findings of Fact & Conclusions of Law**

Malka Amar, Esq. appeared as counsel for the New York City Department of Buildings. She submits BIS printout showing that on the date of issuance the named respondent did not withdraw from the job and was the last General Contractor of records. A BIS printout is marked as exhibit "1".

Caroline Kane, Esq. appeared as counsel for the respondent. Ms. Kane made a motion to dismiss because the named respondent was not the general Contractor as of the date of issuance. She further testified that the permit expired on 5/29/19. She submits a copy of the permit data marked collectively as exhibit "A".

Respondent is charged with failing to maintain adequate housekeeping by having debris/material throughout a new building site, creating a hazard, under BC 3303.4, as a class 2 charge.

I find that once a work permit is issued, the applicant is deemed to be "prosecuting work" until the permit is signed off or revoked, neither of which occurred in the case at hand. . See DOB v. 234- 236 Worth 11th LLC, Appeal No. 1800534 (July 26, 2018); NYC v. 121 Greene Street Owners Corp., Appeal No. 1101206 (April 26, 2012).

I find that this is a class 2 charge. A class 2 charge is a 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, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition.

I find that petitioner through the sworn written testimony of the issuing officer has credibly established that the respondent did fail to maintain adequate housekeeping.

I sustain this summons as a class 2 charge, and I impose the statutory approved class 2 minimum penalty.

*K. J. Ludwiczak*

06/26/2025

06/26/2025

Keith J. Ludwiczak, Hearing Officer

Date