



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: 039124398R et al. (1 Summons) DEPT OF BUILDINGS, -against- SAT CONSTRUCTION SERVICES Hearing Date: 05/02/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039124398R	Sustained	09/10/2024	185 AINSLIE STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	Misc. BC-Chapter 33	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Caroline Kane, Esq. appeared for Respondent. Deanna Burbridge, Esq. appeared for Petitioner DOB.

Respondent was cited for violating Misc. BC-Chapter 33. The summons alleges several violating conditions; exit/entrance stair to penthouse obstructed, ladder to roof not extended as required, gas torch in use without extinguisher and no licensed fireguard, boom lift in use no protection/flagman for vehicular traffic and pedestrian. Missing guardrail and toe boards. The allegation references BC 3301.2.

Ms. Burbridge submitted photos (Exhibit 1).

Ms. Kane argued for dismissal. She contended that the allegation cites BC 3301.2 but does not provide details on how the public was not safeguarded. She also argued for an amendment and requested mitigation.

Ms. Burbridge argued that the correct provision of law was cited. The cited law is a general provision for safety applying to workers and the public and property. She noted that the missing guardrails cited in the allegation is governed by BC 3314.8.

BC § 3301.2 provides: Contractors, construction managers, and subcontractors engaged in construction or demolition operations shall institute and maintain all safety measures required by this chapter and provide all equipment or temporary construction necessary to safeguard the public and property affected by such contractor's operations.

I find that the summons establishes a prima facie case and is the proper law cited. The summons alleges missing guardrail which is a safety measure required by Chapter 33. The summons also alleges that the boom lift was in use with no flagman for vehicular traffic and pedestrian. I find this sufficient detail on how the public was not safeguarded. Both prongs of BC 3301.2 are met. The summons is sustained.

Viven Chiu

05/06/2025

05/06/2025

Viven Chiu, Hearing Officer

Date