



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039532963N et al. (1 Summons) DEPT OF BUILDINGS, -against- BRUKLYN BUILDERS INC Hearing Date: 06/03/2025 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
039532963N	Sustained	10/01/2024	340 Myrtle Avenue 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

Maria Dollas, Esq. appeared as counsel for the New York City Department of Buildings. She submits a BIS printout showing the boiler inspection approvals marked as petitioners exhibit "1". relied on the issuing inspector's sworn written testimony and recommend the minimum class 2 penalty.

Phoebe Dossett, Esq. appeared as counsel for the respondent. She stated that stipulations allowed a closure of the sidewalk if there was protection as per Stipulations in the Permit. She questioned inspector Canto regarding the sidewalk closure and the DOT Permit.

Respondent is charged with failing to provide NYC Department of Transportation Permits to use the sidewalk, for a new building, under BC 3307.2.1, as a class 2 charge.

The issuing inspector E. Cantos appeared under oath at the hearing. He testified that he went to the building based off a complaint and observed that there was DOT Permit to block/close off the sidewalk. He stated that the GC showed him a DOT Permit which required that a 5 foot clear pathway be maintained, and did not allow a complete closure of the sidewalk. There were other permits issued that allowed the sidewalk closure.

I find that this properly charged as 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 petitioner, through the sworn testimony of the issuing inspector that the respondent did not have a valid permit to close the sidewalk nor was there a provision or permit which allowed closure with protection, and has made out a violation of BC 3307.2.1 as a class 2 charge.

I sustain this summons and I impose the statutory approved class 2 minimum penalty.

	
06/05/2025	06/05/2025
Keith J. Ludwiczak, Hearing Officer	Date