



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# : 039066050N et al. (5 summonses)

DEPT OF BUILDINGS,

-against-

MISHNE HALACHOTH GEDOLOTH INST

Hearing Date : 10/24/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 5,625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039066050N	Sustained	07/14/2022	5302 16 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039066051P	Sustained	07/14/2022	5302 16 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039066052R	Sustained	07/14/2022	5302 16 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B208	AC 28-118.3	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039066053Z	Sustained	07/14/2022	5302 16 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B202	28-301.1	Sustained	625.00

Total Penalty for Summons: 625.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039066054K	Sustained	07/14/2022	5302 16 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B203	AC 28-118.3.2	Sustained	1,250.00

Findings of Facts & Conclusions of Law

Deanna Lamberti represented the petitioner, NYC Department of Buildings. Respondent Mishne Halachoth Gedoloth Inst was represented by attorney Caroline Kane.

There are five summonses.

Summons **039066050N** alleges that the stairwell that leads to the bulk at the roof was observed cluttered and obstructed such that it lacked the required clearance for the fire department.

Ms. Lamberti relied on the statements of inspector in the summons. She submitted photos taken by the inspector which document the conditions observed at the time of inspection. (Pet A) She stated that upon review of photographs 1 through 9 she would maintain the class 1 designation of the charge as the condition is immediately hazardous.

Having reviewed the images, Ms. Kane denied the charge without rebuttal.

Petitioner's evidence and the statements of the Issuing officer are credited. Respondent did not present a defense to the summons. The summons is sustained.

Summons **039066051P** is a Class 1 charge alleging failure to maintain building in that 25 linear feet of parapet wall had collapsed inward at the roof. The collapse zone is immediately under the secondary means of egress.,

In addition to relying on the sworn to statements of the inspector in the summons, Ms. Lamberti submitted photos taken by the inspector depicting the conditions cited in the summons. (Pet A) Specifically, she noted photos on pages 2, 6 and 8. show the collapse and its compromise of the secondary means of egress. The condition is immediately hazardous and properly cited as a Class 1.

Summons **039066052R** alleges altered changed building, occupied without a valid Certificate of Occupancy.

This charge was amended to a class 2 of 28-118.3. Ms. Lamberti provided proof of the occupancy of the property including a Certificate of Occupancy as well as job filings for the premises. (Pet B, C and D)

Ms. Kane stated that as amended, respondent would deny the charge.

No evidence was presented to rebut the charge as amended. The sworn to statements of the inspector in the summons establish the amended charge. The summons is sustained.

Summons **039066053Z** alleges failure to maintain building in Code compliant manner. The door that leads to the roof of the bulk was observed inoperable and missing a locking device.

For this summons, Ms. Lamberti stated that she will rely on the statements of the inspector in the summons.

Ms. Kane denied the charge without rebuttal.

As no credible evidence was presented to refute the statements of the inspector in the summons, the summons is sustained.

Summons **039066054K** alleges a class 1 charge for occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records. The occupancy inconsistent with the Certificate of Occupancy was observed at the cellar, first and fourth floors.

Ms. Lamberti relied on the statements of the inspector and the Certificate of Occupancy information previously submitted as Pet B, C and D. She referenced Pet A. Photographs 11, 12 and 13 show the use referenced in the cellar. Photos 14, 15 and 16 show the current use at the first floor as a flower shop where the certificate of Occupancy states should be a synagogue. Th lunchroom observed is an area designed as a two-family residence. Ms. Lamberti amended the charge to a Class 2.

Ms. Kane denied the amended charge without rebuttal.

The statements of the inspector in the summons are credited and establish the charge regarding the changed occupancy without a new C of O. Respondent did not present a defense. The summons is sustained.



10/25/2024

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Therese A Tomlinson, Hearing Officer

Date