



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 035666092P et al. (1 Summons) DEPT OF BUILDINGS, -against- 4723 8TH AVENUE, LLC Hearing Date: 02/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035666092P	Sustained	05/20/2021	807 41 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	AC 28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Malka Amar appeared for Petitioner, DOB. Michael Sargo, Esq. appeared for Respondent, 4723 8th Avenue LLC, premises owner.

Respondent has been charged with a Class 2 violation of New York City Administrative Code Section 28-105.1 for work without a permit.

Petitioner relied on the issuing officer's (IO's) statement in the summons.

Mr. Sargo stated that the conditions were preexisting. He submitted the deed, affidavits and Appeal 11000378 to support his claim.

Petitioner responded that the affidavits are insufficient; none talk about the bedrooms, massage rooms, or water lines.

Petitioner submitted Appeals 1800309 and 2301320.

Mr. Sargo responded that the affidavits are sufficient.

I credit the IO's statement in the summons and Petitioner's evidence, and find that they establish the violation. I do not credit Respondent's evidence to establish preexistence. One of the affidavits is from the real estate broker who sold the premises. Another is from a tenant who did not state when he first saw the premises, and who is now a friend of Respondent. All three affidavits are notarized by the same notary. I find that Respondent has not refuted the charge or established any defense. The violation is sustained and the mandatory penalty imposed.

Paula Mobley

03/07/2025

03/07/2025

Paula Mobley, Hearing Officer

Date