



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: 039108348Z et al. (1 Summons) DEPT OF BUILDINGS, -against- RODRIGUEZ, GASTON Hearing Date: 11/26/2024 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
039108348Z	Sustained	03/11/2024	39-39 CRESCENT STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Attorney for Respondent, RODRIGUEZ, GASTON and Rafeena Khairullah, Attorney for Petitioner, Department of Buildings. The parties appeared for a hearing by telephone on November 26, 2024.

Respondent is charged with a Class 1 violation of Section 28-105.1 of the Administrative Code for work without a permit. Respondent was issued a Request for Corrective Action (RCA) on 10/24/23 for work done without a permit, including the removal of all fire stopping, electrical wiring, junction box and replacing new wiring. As of the date of the summons, there was no correction.

Respondent's Attorney challenges the Class 1 designation stating that the RCA allowed 60 days for correction, therefore this violation cannot be considered Immediately Hazardous. In addition, she states that the building was unoccupied, therefore there was no immediate danger to any person. Petitioner argues that even though the building was not occupied there is still a danger to property. Petitioner stands by the Class.

I credit the summons. Although, the RCA allowed 60 days for correction, Respondent's continued inaction rises to a Class 1 violation. In addition, the lack of fire stopping and other deficiencies create a danger to the sited property. Therefore, this violation is sustained and the standard penalty is imposed.

	
12/11/2024	12/11/2024
Amita Rodriguez, Hearing Officer	Date