



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: 039118476M et al. (1 Summons) DEPT OF BUILDINGS, -against- YITZCHOK BLUM Hearing Date: 01/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$10,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039118476M	Sustained	07/05/2024	1320 53 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B109	BC 3301.2 & 27-1009(a)	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

Attorney Ms. Dossett appeared for Respondent. Ms. Burbridge appeared for Petitioner along with Inspector Blount, badge number 3074.

Respondent is charged with a violation of BC 3301.2 and 27-1009(a) for failure to safeguard all persons and property affected by construction operations,

The inspector testified that he responded to the location due to a complaint about work being done on the roof. The inspector took photographs of the building in question [Exhibit 1] and observed work being done from the street level but could not

access the building or the roof. The inspector observed that there was no pedestrian protection for the work being done, especially at exposure 1, which was directly above a pedestrian walkway. The Respondent's name was listed as the owner in BIZ and DOB Now.

Respondent moved to dismiss this summons due to wrong named Respondent. Respondent submitted affidavits, the deed, and photographs [Exhibit A-C]. The building in question is a condominium, meaning each apartment is owned by someone else. The unit responsible for the work being done on the roof was not Respondent's unit as respondent only owns unit 3R.

Petitioner stated that according to the HPD information, Respondent is the managing agent and head officer. Therefore, he is the proper party to be named as he is not just a condo owner. Petitioner submitted the HPD records [Exhibit 2].

I do not credit Respondent's arguments. I credit the inspector's testimony along with the submitted exhibits. I find that Respondent was the proper party to be named since he is also the managing agent and head officer. I find that Respondent failed to safeguard pedestrians and property from the construction being performed on the roof.

Accordingly, this summons is sustained.

<i>Ch Del</i>	02/14/2025
Christine Delince, Hearing Officer	Date