



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 No: 039123989Y et al. (1 Summons) DEPT OF BUILDINGS, -against- JOHN EVAN CONTRACTING COR Hearing Date: 06/06/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039123989Y	Sustained	09/05/2024	2070 STRAUSS STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B209	BC 3301.2 & 27-1009(a)	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Respondent appeared through attorney Caroline Kane. Petitioner appeared through Taylor Barje.

The issuing officer, J Juliano, charged a Class 2 violation of Building Code § 3301.2 / 27-1009(a). They observed an exterior brick wall, approximately 7 feet tall where exposure 1 and 2 intersect at front yard, compromised by installation of perpendicular metal railing and anchorage to brick. Creates hazard of collapse at shared driveway with neighboring property.

Mr. Juliano appeared at hearing and testified that this was an active job site because there were active permits on the job. A permit was posted on the front window and there was evidence of active work. He observed a crumbling brick wall that was

compromised by the installation of a handrailing. The brick wall is a shared wall with the adjacent property next door. He charged the summons based on the active General Contractor on file.

Respondent moved to dismiss the summons, arguing that Petitioner named the wrong Respondent. She states that the General Contractor was hired to convert the two family home into an eight family home and that the handrailing was not installed as part of that project.

Respondent did not submit any plans for this project to support this argument. I do not credit the testimony.

Accordingly, the summons is sustained.



06/06/2025

06/06/2025

Theresa Leary, Hearing Officer

Date