



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street Brooklyn, NY 11217	Summons No: 039124857R et al. (1 Summons) DEPT OF BUILDINGS, -against- RICHARD NEU Hearing Date: 04/21/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$800.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039124857R	Sustained	09/13/2024	637 ST MARKS AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2C9	EC 110.2(A)	Sustained	\$800.00

Findings of Fact & Conclusions of Law

857R

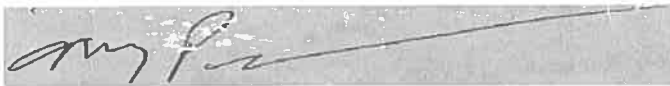
Phoebe Dossett, Esq. appeared for Respondent Richard Neu at a hearing. Henrietta Asiedu Baidoo, Esq. appeared for the Petitioner. The summons alleges a Class 2 violation of EC 110.2(A) for unsafe/unsuitable electrical wiring at underside of metal sidewalk shed. The details of the violating conditions are specified in the summons.

Petitioner's counsel submitted a copy of the instant violation, a copy of the permit issued to Respondent and 13 photos to the hearing. Pet. Exh. 1. Petitioner's counsel stated that the use of zip ties and electrical tape is not safe and suitable for the

sidewalk shed.

Respondent's counsel submitted a copy of a permit issued to Surnjit Singh for the installation of a sidewalk shed and a copy of the deed for the place of occurrence. Resp. Exh. 1. Respondent's counsel made a motion to dismiss as it is a factual dispute as to the place of occurrence as the sidewalk shed extended beyond Respondent's property line. In addition, Respondent's counsel stated that the electrical permit was issued 4 months before the date of occurrence; that the summons does not claim that installation was faulty; that the sidewalk permit holder is responsible for maintain the sidewalk shed and that the sidewalk shed permit holder should have received the violation.

I credit Petitioner's case. EC 110.2(A) provides, in relevant part: "All electrical equipment, apparatus, materials, devices, appliances or wiring thereto installed or used in any electrical construction or installation regulated by the terms of this code, shall be designed and constructed so as to be safe and suitable for the purpose intended. I deny Respondent's motion to dismiss as I find that the summons and photos establish that the place of occurrence as written on the summons is correct. I find that Respondent was responsible for installation of the electrical work in the side shed. I find Respondent in violation of the instant charge as zip ties and electrical tape as used in the sidewalk shed is not safe and suitable for the purpose intended. I find Respondent has failed to provide a defense to, or rebut, Petitioner's charge. Accordingly, the summons is sustained and standard penalty assessed.



04/24/2025

04/24/2025

Malik Pearson, Hearing Officer

Date