



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: 039529499L et al. (1 Summons) DEPT OF BUILDINGS, -against- MEUD CORP YAFE Hearing Date: 01/09/2025 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
039529499L	Sustained	06/11/2024	378 HANCOCK STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B115	BC 3301.2 AC27-1009A	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Rafeena Khairullah, Esq. appeared as counsel for the Petitioner the New York City Department of Buildings. She submits a series of photographs marked collectively as exhibit "1", and relied on the issuing inspectors class 1 designation and recommended the minimum penalty.

Phoebe Dossett, Esq. appeared as counsel for the respondent. She made a motion to dismiss and stated that stairs were not required because the cited work was at grade and no exterior work. She also challenged the class 1 designation.

The issuing inspector C. Lazo appeared under oath at the hearing and testified that he gained access to the outside of the

construction site and observed that there were stairs which were greater than 7 feet and a guard rails were required to protect all persons who use the stairs for ingress and egress, which was a hazard.

Respondent is charged with failing to provide guardrails at the front stairs, which were under construction, and at exposure #1, under BC 3301.2, as a class 1 charge.

I deny Ms. Dorsett's motion to dismiss and find her claim that no guard rails were required because the work was at grade level to not be credible. I also deny her challenge to the class 1 designation. The open stairway which was greater than 7 feet and was hazardous.

I find that guard rails were required. Further, the photographs establish that the unenclosed portion of the front of building was accessible at grade level and the stair were greater than 7 feet.

I find that this is properly classified as a class 1 charge. A class 1 charge is a major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition.

Based upon the above, I sustain this summons as a class 1 charge, and I impose the statutory approved class 1 minimum penalty.

K. J. Ludwiczak

01/14/2025

01/14/2025

Keith J. Ludwiczak, Hearing Officer

Date