



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                              |                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Andre Autz, Esq. - Nacmias Law</b><br>592 Pacific Street, 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 035673380P et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>AZ 175TH LLC</b><br><br><b>Hearing Date: 02/11/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$2,500.00**

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

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE  |
|------------|---------------------|--------------------|----------------------|
| 035673380P | Sustained           | 08/17/2023         | 91-10 175 St. Queens |

| LINE ITEM | OATH CODE | CODE SECTION/RULE        | RESULT    | PENALTY    |
|-----------|-----------|--------------------------|-----------|------------|
| 1         | B106      | AC<br>27MISCAC28MISCBCMI | Sustained | \$2,500.00 |

**Findings of Fact & Conclusions of Law**

Laura Slavin, Esq. appeared as counsel for the New York City Department of Buildings. She submits a series of photographs in support and a copy of the certificate of occupancy, marked collectively as petitioner's exhibit '1'. She recommended the minimum class 1 penalty.

Andre Autz, Esq. appeared as counsel for the respondent. He made a motion to dismiss because the cited section of law does not apply to a single unit being lease to a transient guest in a apartment building. He submits a copy of a 2 year lease dated 9/26/22, marked as respondent's exhibit "A".

Respondent is charged with failing to provide a fire alarm system for transient use at unit #6B, under BC 907.2.8, as a class 1 charge.

The issuing inspector A. Nakhla testified that transient use always require an installation of sprinkler and fire alarm systems.

BC § 903.2.8 provides: An automatic sprinkler system shall be installed in Group R fire areas. An automatic sprinkler system shall be installed throughout buildings with a main use or dominant occupancy of Group R. Exception: An automatic sprinkler system shall not be required in detached one- and two-family dwellings and multiple single-family dwellings (townhouses), provided that such structures are not more than three stories above grade plane in height and have separate means of egress. BC § 907.2.8 provides that a fire alarm system must be installed in Group R-1 occupancies that complies with the requirements of section. BC § 907.2.8.1 provides: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.

I find that petitioner's C/O and evidence establishes that even temporary guests would not have difficulty exiting the apartment in the event of emergency and that a temporary resident lacks knowledge of the building layout, including fire exits, the absence of required fire protection systems creates an immediately hazardous condition. See, DOB v. Patricia Velez, Appeal No. 2000666 (August 13, 2020).

Based upon the above I sustain this summons and I impose the statutory approved class charge,



02/13/2025

02/13/2025

Keith J. Ludwiczak, Hearing Officer

Date