



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: 035468622X et al. (1 Summons) DEPT OF BUILDINGS, -against- ANDREW CANCEL Hearing Date: 01/09/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035468622X	Sustained	04/04/2024	1330 Vreeland Avenue Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B182	28- 105.12.2	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

For the reasons stated below, the summons is sustained.

Phoebe Dossett, Esq. appears for the Respondent and Kimberly Manas, Esq. and Issuing Officer (IO) Andre Farrer, Badge #2924, appear for the Petitioner Department of Buildings (DOB).

The sworn summons credibly alleges a violation of Administrative Code 28-105.12.2 for the failure to comply with construction and submittal documents and specifically states that the construction documents approved for service work only and additional electrical wiring and work observed consisting of split units and disconnect boxes mounted at exterior wall of

exposure #4, A/C units installed in rooms at first and second floor apartments. Ongoing work with outlets on third floor. The DOB submits multiple photographs of the violating conditions, including new electrical work (p. 21) outlets sticking out of the wall (p. 12), and A/C units mounted onto the wall (pp. 13-15).

The Respondent's attorney does not deny the violating conditions, but instead, challenges the class. She generally claims that it is not immediately hazardous, and that her client had a service permit, but the work was out of its scope.

The IO credibly counters and explains why he issued a Class 1 violation, in that the permit is for service and not for electrical work. A licensed electrician must perform any electrical work, but it is unclear on this project who was performing such work. Further safety precautions and testing is needed when electrical work is performed than just a mere service job, and due to the uncertainty of who was effectuating such work, it rises to the level of an immediate hazard.

The Administrative Code of the City of New York Section **28-105.12.2** states that all work shall conform to the approved construction and submittal documents, and any approved amendments thereto. Changes and revisions during the course of construction shall conform to the amendment requirements of this code. I find the sworn summons credible, along with the IO's testimony and documentary evidence, setting forth a prima facie case for this violation. Respondent's attorney admits to the charge, but only challenges the class. I also find the Inspector's summons and testimony to be specific and believe it was properly classified as a Class 1 violation and that the conditions posed immediate and hazardous risks. In contrast, I do not credit Respondent's attorney's generic defense that the class was improper. She does not have any first-hand knowledge, not does she present any documentary evidence to contest Petitioner's prima facie case for class. Summons sustained.

Janine Azriliant

01/09/2026

01/09/2026

Janine Azriliant, Judicial Hearing Officer

Date