



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: 035468623H 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: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035468623H	Sustained	04/04/2024	1330 Vreeland Avenue Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	AC 28-301.1	Sustained	\$1,250.00

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 28-301.1 for the failure to maintain in a code-compliant manner with the 3rd floor access to scuttle ladder to roof for emergency egress obstructed by ladder, mirrors, tables and personal belongings. The DOB submits multiple photographs of the violating conditions, and the obstruction is visibly seen on

p. 22 in the evidence packet.

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 such ladder can easily be lowered.

The IO credibly rebuts and points to the furniture items obstructing the cuttle ladder. He explains that if someone needs to escape in a fire, it would be difficult to remove the furniture blocking such ladder. He stands by his classification as a Class 1 violation. counters and explains why he issued a Class 1 violation,

The Administrative Code of the City of New York Section 28-301.1 states that All buildings and all parts thereof and all other structures shall be maintained in a safe condition. All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition. Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or other structure is dangerous or unsafe, such person shall forthwith report such belief in writing to the department. The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter. 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 nay 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