



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039127336P et al. (1 Summons) DEPT OF BUILDINGS, -against- GANGESHWAR, LLC Hearing Date: 06/24/2025 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
039127336P	Sustained	10/11/2024	235 MEEKER AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	AC 28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Malka Amar, Esq. appeared as counsel for the New York City Department of Buildings. She submits a series of photographs in support, marked collectively as exhibit "1". She made a motion to amend to a class 2 charge, Infraction Code B201, Code 28-105.1.

Caroline Kane, Esq. appeared as counsel for the respondent. Ms. Kane made a motion to dismiss on service because the named respondent is a corporation and the IO did not inquire if there was anyone able or available to accept service on behalf of the named respondent.

Respondent is charged with having work without a permit for new gas piping and removal of the gas and water piping for 6 water heaters, under Code 28-105.1, as a class 1 charge.

The issuing inspector B. Dupree appeared under oath at the hearing and testified that he was on site during an inspection. He new gas piping and removal of the gas and water piping for 6 water heaters. He testified that after writing the summons he asked the "manager" who showed him around the property. He was then told that he could not accept service and there was no one else available to accept service. He then proceeded to post the summons.

I grant Ms. Amar's motion to amend to motion to a class 2 charge, Infraction Code B201, Code 28-105.1.

I find the IO's through his credible testimony, did establish that he made an inquiry to ascertain if there was a person on site who was authorized to accept on behalf of the corporate respondent.

I find that this is a class 2 charge. A class 2 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.

I sustain this summons as a class 2 charge, and I impose the statutory approved class 2 minimum penalty.

Keith J. Ludwiczak

06/26/2025

06/26/2025

Keith J. Ludwiczak, Hearing Officer

Date