



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# : 039127338Z et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

GANGESHWAR, LLC

Hearing Date : 6/24/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039127338Z	Sustained	10/11/2024	235 MEEKER AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B202	AC 28-301.1	Sustained	625.00

Total Penalty for Summons: 625.00

Findings of Facts & 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 B202, Code 28-301.1. Based upon DOB records she recommends the mitigated class 2 penalty.

Caroline Kane, Esq. appeared as counsel for the respondent. Ms. Kane made a motion to dismiss 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. She questioned the IO on the purpose of the mechanical room.

Respondent is charged with having excessive material (pipes, copper pipe and gas fired boilers) stored in a mechanical room, under Code 28-301.1, 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 observed a large amount of materials, including multiple unconnected mechanical water heaters, (which cannot be stored in a mechanical room), and other materials stored inside the mechanical room. 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 amend to a class 2 charge, Infraction Code B202, Code 28-301.1.

I find the IO testimony did establish through his credible testimony 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 mitigated penalty based upon correction in the DOB records.

 06/26/2025	06/26/2025
Keith J. Ludwiczak, Hearing Officer	Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
 Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
 Queens: (718) 393-6044 CSqueens@oath.nyc.gov
 Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
 Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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