



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: 039529863Z et al. (1 Summons) DEPT OF BUILDINGS, -against- KUYUNOVA, IZOBELLA Hearing Date: 01/14/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039529863Z	Dismissed	06/21/2024	75-59 178 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	1704.1.2 and 27-132	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Pheobe Dossett appeared as the authorized representative of the named respondent, and Andrew Engel appeared for the Petitioner.

The summons cites a violation of 1704.1.2 and 27-132.

The respondent's representative contended that an improper party was cited since the violation should be issued to the permit holder, not the owner. She also challenged the substantive allegations insofar as no special inspection was required for the underpinning since it did not happen yet.

The Petitioner acknowledged that pursuant to 1704.1.1.3. there were certain responsibilities and duties that are attributable to the permit holder, and he made no recommendation.

I find that an improper party has been named. Pursuant to 1704.1, the responsibilities of the owner are limited to retaining one or more special inspection agencies that meet the requirements of Sections 28-114.1 and 28-115.1 of the Administrative code.

Here, the inspector alleged that there was inadequate recordkeeping because no reports were provided, and because there was no identification of special inspections were on the TR-1.

However, it is undisputed that there is a permit holder here and under 1704.1.1.3, it states "Responsibilities of the permit holder. The permit holder shall have the following duties and responsibilities: 1. Statement of special inspections. The application for permit shall include a statement of relevant special inspections as a condition for permit issuance on forms supplied by the department. This statement shall include: 1.1. A complete list of materials and work included in the permit application requiring special inspections by this section and elsewhere in this code and the inspections to be performed on such work and materials; and 1.2. A list of the special inspection agencies retained by the owner for conducting the special inspections listed on the approved plans. Within each category of work, multiple special inspectors or special inspection agencies may be employed."

As such, it would appear that the permit holder referenced in Job Q009567361 would be responsible for the conditions cited in the summons. Accordingly, the summons is dismissed.

A. J. Baranoff

01/14/2025

01/14/2025

Amy Baranoff, Hearing Officer

Date