



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# : 035675245L et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

FORGE REALITY LLC

Hearing Date : 10/21/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035675245L	Dismissed	11/28/2023	123-28 82 AVENUE , Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E4	28-302 .5	Dismissed	0.00

Total Penalty for Summons: 0.00

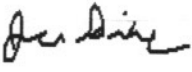
Findings of Facts & Conclusions of Law

Kimberly Manas appeared for Petitioner with issuing Inspector Beshay and submitted evidence of the unsafe notification, TR6 filing and photographs. He said that he was out on site on 11/28/23 to check on the notification that was made on November 20, 2023 and found unsafe issues which he documented in the photographs.

Caroline Kane, Esq. appeared for Respondent and moved to dismiss the summons, arguing that an unsafe notification does not require immediate safety measures. These are required when the report is filed, which was on December 7, 2023, after the instant summons was issued. Ms. Kane said that the cited section requires protection when there is an unsafe filing, not a notification. Ms. Manas said that the requirements are the same. I disagree. Motion granted.

I find that Respondent's QEWI notified the department that there would be an unsafe filing on 11/20/23. The unsafe report was filed on 12/7/23 which is the date the safety measures were required. The instant summons was issued before this filing requirement.

Accordingly, the summons is dismissed.

	
11/06/2024	11/06/2024
Joan Silverman, Hearing Officer	Date