



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: 035675246N et al. (1 Summons) DEPT OF BUILDINGS, -against- FORGE REALITY LLC Hearing Date: 10/21/2024 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
035675246N	Dismissed	11/28/2023	123-28 82 AVE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B104	AC 28-302.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Kimberly Manas appeared for Petitioner with issuing Inspector Beshay and submitted evidence of the unsafe notification, TR 6 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 the facts don't allege a clear and concise statement of the facts allege to have been violated. They only say "As of the time of inspection observed at Exp # Bulging masonry wall." There is no clear statement of where the bulging is located. The building is large. Petitioner explained which exposure. Ms. Kane said that they can't cure this defect. The summons is required to allege a clear statement of the

charge. Motion granted.

I find the summons does not allege a clear and concise statement of the facts alleged to have been violated. There should be an exposure stated.

Accordingly, the summons is dismissed.



11/06/2024

11/06/2024

Joan Silverman, Hearing Officer

Date