



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039531165Y et al. (1 Summons) DEPT OF BUILDINGS, -against- IX CONSTRUCTION INC Hearing Date: 05/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$2,500.00

Community Service(Hr): Not Applicable
--

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039531165Y	Sustained	08/06/2024	28-16 42 ROAD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	Misc. BC—Chapter 33	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Respondent was originally charged with Misc. BC-Chapter 33. Rafeena Khairullah, Esq. represented petitioner at the telephone hearing and made a motion to amend to 3314.1. She said it is the same OATH Code, B2P7. Michael Sargo, attorney for respondent, IX Construction Inc, said he had no objection to the amendment. The Judicial Hearing Officer granted petitioner's motion to amend at the hearing.

The summons states, "At time of my inspection on a active jobsite of a 14 story NB, observed supported scaffold at Exp #3. The scaffold had lose planks, lose nettings, missing safety pins, not clean and maintain as per code."

DOB Issuing Inspector Vaculin, Badge 3084, appeared at the telephone hearing.

Rafeena Khairullah submitted into evidence a 1 page pdf, overview of complaint. Rafeena Khairullah also submitted into evidence an 11 page pdf.

Issuing Officer Vaculin said in the photos on pages 3-11 of the 11 page pdf, he circled what he had observed that was not in compliance.

Michael Sargo said respondent denies with no rebuttal.

I credit the summons, evidence submitted by petitioner, and the testimony of DOB Issuing Inspector Vaculin. Respondent did not rebut or establish a valid defense. Therefore, respondent is in violation for this Class 2 violation of 3314.1. The summons is sustained.

	
05/16/2025	05/16/2025
Julie Jaffe, Hearing Officer	Date