



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: 039131825H et al. (1 Summons) DEPT OF BUILDINGS, -against- MOSTAFA, GOLAM Hearing Date: 04/04/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039131825H	Sustained	12/03/2024	2112 CROSS BRONX EXPRESSWAY Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B203	28-118.3.2	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Michael Sargo, Esq. appeared and testified on behalf of Respondent Golam Mostafa.

Jennifer Clouden, Esq. appeared on behalf of Petitioner, Dept. of Buildings.

Petitioner charges AC 28-118.3.2. Class 1. Petitioner alleges occupancy contrary to that allowed by the Certificate of Occupancy or Dept. of Buildings records. Petitioner alleges observing a garage on the ground floor converted into a 2 bedroom class A apartment. Petitioner alleges the Certificate of Occupancy states the 1st floor is to be occupied by a ground floor boiler room and 1 car garage accessory to the dwelling. A Request for Corrective Action was issued on 12/23/22 by I/O

badge no. 2885.

Ms. Clouden produced a Request for Corrective Action issued on 12/23/22 to be corrected by 2/1/23, Certificate of Occupancy no. 23070, Property Profile Overview, Overview of Complaint No. 2356190 for a garage converted into a class A apartment including a 3 piece bathroom, gas line for a stove and full kitchen, photographs of the outside of the building and inside the alleged class A apartment including a kitchen with a sink, bedrooms and bathrooms in support.

Mr. Sargo states respondent denies the allegation because petitioner has improperly named respondent. He states respondent sold the property on 3/8/24 and produced a Deed and Recording and Endorsement page, ACRIS from NYS Dept. of Finance, Customer Registration Form for water and sewer billing and Real Property Transfer Report to show consideration transferred in support. The respondent did not produce any evidence of correction.

In response, Ms. Clouden states even if respondent sold the property on the date of the summons, respondent still remains responsible for the Request for Corrective Action if respondent owned the property on the date the Request for Corrective Action was issued. As such, the Request for Corrective Action is personal to the property owner it was issued to and does not extinguish the responsibility of the property owner or transfer responsibility to the new owner if the property is sold prior to the date of the summons. She produced Appeal No. 2400144, DOB v. Ophelia Kalloo, 3/28/24 in support.

I credit respondent's evidence but find it fails to establish a valid defense. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard penalty of \$1,250.00 is imposed.



04/11/2025

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Deborah Mbabazi, Hearing Officer

Date