



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 014118052L et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- FUTA ISLAMIC CENTER Hearing Date: 11/06/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,325.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014118052L	Sustained	05/11/2024	137 W.136th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF17	VC17 .	Sustained	\$750.00
2	BF19	VC19 .	Sustained	\$575.00

Findings of Fact & Conclusions of Law

Summons #14118052L alleges that Respondent, Futa Islamic Center violated (VC 17) certificates of fitness and certificates of qualification and (VC 19) affidavits, design, and installation documents and other documentation.

Kofi Speed, Sr. Inspector, appeared on behalf of the Petitioner, the FDNY, and Matthew Whitening, attorney, appeared on behalf of Futa Islamic Center at a remote hearing held on 11/6/2024.

Mr. Speed relied on the case presented in the summons. Mr. Whitening submitted copy of a FDNY letter dated 5/13/2024 as proof of correction of (VC 17). (Ex A).

I credit the sworn statement and find that it establishes a violation of (VC 17) and (VC 19). I do not credit Respondent's evidence as establishing that Respondent obtained a certificate of fitness to satisfy the (VC 17) violation. The document submitted at the bottom of the page states: "This is not a certificate of fitness." The letter explains that an individual named and with photo identification passed the test but did not submit required documents to obtain the certificate of fitness. (Ex A). I thus find that Respondent failed to establish a defense or rebuttal to the (VC 17) and (VC 19) violations.

Based on this I find that the Respondent is in violation of (VC 17) and (VC 19) and impose the mandatory penalty for each.



11/07/2024

11/07/2024

Janet Gawthrop, Hearing Officer

Date