



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: 035675392L et al. (1 Summons) DEPT OF BUILDINGS, -against- GREEN REALTORS LLC Hearing Date: 05/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035675392L	Sustained	11/29/2023	37-02 27th Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2F1	BC 3303.15	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Respondent is charged with a violation of BC 3303.15.1, collection and containment. The summons indicates this is a Class 1 charge.

Michael Sargo, Esq. represented respondent, Green Realtors, LLC, at the telephone hearing.

Rafeena Khairullah, Esq. represented petitioner at the telephone hearing. DOB Issuing Inspector Martin, Badge 2874, appeared at the hearing.

Petitioner submitted into evidence the affidavit/affirmation of service. Petitioner also submitted into evidence a 1 page pdf of the overview of complaint and a 6 page pdf.

Michael Sargo said respondent is not challenging service.

Issuing Inspector Martin credibly testified about photos 1 to 6.

Rafeena Khairullah said the watertight containers for concrete washout are required by this section of law to avoid contamination that impacts the environment and the public.

Michael Sargo submitted into evidence a 1 page pdf that he said is for the underlying violation and not this violation. He said the comments show washout box provided and Stop Work Order rescinded on 12/7/2023.

Michael Sargo asked for this summons, 035675392L, to be amended to B206, 3303.15, Class 2. Rafeena Khairullah said the 3303.15.1 charge explains how you do it and is the correct provision code and section. She said 3303.15 is not appropriate for this summons. Rafeena Khairullah said petitioner is not agreeing to an amendment, and all Chapter 33 violations are no longer subject to mitigation. She said B2F1 is the correct infraction code, and the standard penalty is \$2,500.

Respondent's request to amend the section of law is denied. Based on the credible summons, evidence submitted by petitioner, and the testimony of Issuing Inspector Martin, I find respondent to be in violation of BC 3303.15.1. I also find 3303.15.1 is a Class 2 charge and not a Class 1 charge as indicated on the summons. Therefore, the summons is sustained for BC 3303.15.1 as a Class 2 charge.

Julie Jaffe

05/19/2025

05/19/2025

Julie Jaffe, Hearing Officer

Date