



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: 039112894H et al. (1 Summons) DEPT OF BUILDINGS, -against- Fartuna Construction Inc Hearing Date: 05/06/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: **\$625.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039112894H	Sustained	04/29/2024	34 KINGS PLACE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Sustained	\$625.00

Findings of Fact & Conclusions of Law

Respondent, **Fartuna Construction Inc**, appeared by its authorized representative, **Michael Sargo**. Petitioner, **NYC Dept. of Buildings**, appeared by its authorized representative, **Deanna Burbridge**.

The SUMMONS alleged a class 1 violation of Section 3307.7 of the NYC Building Code for job site fence for no plexiglas on the viewing panels.

Ms. Burbridge submitted 2 photos (Exh. 1) that depicted the portion of the cited fence that had openings and no viewing panels.

Mr. Sargo challenged the class and requested the amendment to Section 3307.7.3 for a class 2 violation and submitted photos (Exh. B) of plexiglas on the viewing panels and the record of the approved Certificate of Correction dated 5/20/24 (Exh. A).

Ms. Burbridge moved to amend to a class 2 and recommended a mitigated penalty.

I credit the allegations and find they support a violation of the Section 3307.7.

I further find the allegations support a designation of a class 2 because the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action. I find that the violation was corrected before the original hearing date of 7/3/24.

Accordingly, I sustain, and I impose the mandatory mitigated penalty.



05/07/2025

05/07/2025

Linda Agoston, Hearing Officer

Date