



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039121024Z et al. (1 Summons) DEPT OF BUILDINGS, -against- YANG ZEN Hearing Date: 09/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$10,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039121024Z	Sustained	08/06/2024	200-08 36 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B142	BC 3316.2 & BC 3319.1	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Deanna Bubridge Esq. and Issuing Officer, Insp. Colin Thompson, Badge # 3374. Respondent, YANG ZEN, appeared by its attorney, Phoebe Dossett Esq., to answer a charge of members of rigging crew not being certified, operator of the crane not a NYC licensed HMO, no Lift Director present; and no certificate of on-site inspection was provided. The first hearing date was October 15, 2024.

Ms. Burbridge relied on the allegations in the summons as well as the evidence which included pictures in support of the charge (see Pet. Exhs. A & B). Insp. Thompson reiterated the allegations as stated in the summons.

Ms Dossett moved to dismiss the summons on the grounds of improper Respondent. Ms Dossett stated that the permit holder, NTF Management Inc. who is the proper Respondent and solely responsible was issued summons # 039121232N, for the same violation, at the same time and at the same place of occurrence, and that multiple people cannot be responsible for the same offense (see Resp. Exh. A).

Ms. Burbridge stated chapter 33 of the building Code, BC 3301.1.1 Responsibility for safety provides that "Nothing in this chapter shall be construed to relieve persons engaged in construction or demolition operations from complying with other applicable provisions of law, nor is it intended to alter or diminish any obligation otherwise imposed by law on any party engaged in a construction or demolition operation, including but not limited to the owner, construction manager, general contractor, subcontractors, material men, registered design professionals, or other party to engage in sound design and engineering, safe construction or demolition practices, including but not limited to debris removal, and to act in a reasonable and responsible manner to maintain a safe construction or demolition site. Ms. Burbridge stated that as such the law allows for Petitioner to charge different people for the same offense, including the operator, as in the instant case. I agree.

I find that Petitioner properly charged Respondent as the operator as the section of the law allows the charging of multiple/different Respondents such as the owner, equipment user, operator, or other person.

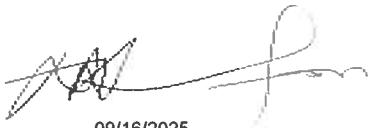
Ms Dossett further challenged the violation being charged as a class 1 stating that nothing in the summons demonstrates that the violation is immediately hazardous or that the work was being carried out in an unsafe manner.

Insp. Thompson stated that operating a knuckle Boom Crane without a license, or riggers not being certified, or no lift director being present is immediately hazardous as it may lead to grave injury to persons and or property in the vicinity. I agree.

I therefore find that Petitioner properly charges the instant violation as a class 1.

Nothing was presented on the merits.

I credit the allegation in the summons as well as the evidence and testimonies presented by Ms. Burbridge and Insp. Thompson. I find that Petitioner properly charged the violation as a class 1 as operating a knuckle Boom Crane without a license, or riggers not being certified, or no lift director being present is immediately hazardous as it may lead to grave injury to persons and or property in the vicinity. I further find that Respondent has neither rebutted the charge nor established a defense to the violation. Therefore, the summons is SUSTAINED and the standard class 1 penalty is imposed.



09/16/2025

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Akinwale Akinrefon, Hearing Officer

Date