



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# : 039121232N et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

NTF MANAGEMENT INC.

Hearing Date : 9/16/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 5,000.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039121232N	Sustained	08/06/2024	200-08 36 AVENUE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B177	BC 3319.3	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & Conclusions of Law

Petitioner appeared by DOB representative, Deanna Bubridge Esq. and Issuing Officer, Insp. Colin Thompson, Badge # 3374. Respondent, NTF MANAGEMENT INC., appeared by its attorney, Phoebe Dossett Esq., to answer a charge of operating/allowing the operation of a Knuckle Boom Crane while members of the rigging crew were not certified, operator of the crane was not a NYC licensed HMO, Lift Director present, and no certificate of on-site inspection provided. The first hearing date was October 29, 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 challenged the violation being charged as a class 1 stating that Petitioner has not alleged or demonstrated that the work being done was being carried out in an unsafe manner or immediately hazardous.

Insp. Thompson stated that working with a crane without a license, or the absence of a Lift Director or rigging crew members not being certified could result in grave injury to persons and property in the vicinity, and therefore is immediately hazardous. Ms Burbridge stated that the violation charged is a class 1 per se and that Petitioner need not show proof of why it is being charged as class 1. I agree.

I therefore find that Petitioner properly charges the instant violation as a class 1 as this is a class 1 per se charge.

Ms. Dossett further moved to dismiss the summons for being duplicative of summons # 039121258L, issued to the same Respondent, at the same place of occurrence, at the same time, adjudicated by me in the same group of summonses as the instant summons. The summons charged Respondent of operating a Knuckle Boom Crane without a certificate of operation. Ms. Dossett stated that both summonses have the same elements of proof and the same factual basis.

Ms. Burbridge testified that the instant summons has different factual basis from summons # 039121258L and also different remedies for each of the summonses. Ms Burbridge stated that for summons # 039121258L which charges failure to have a certificate of operation while operating a crane, Respondent will need to provide or obtain such certificate in order to remedy the violation, but that for the instant summons, in order for Respondent to remedy the violation, Respondent will have to obtain a NYC HMO license, the rigging crew will have to be certified, and a certificate of on-site inspection provided. Ms. Burbridge stated that for the foregoing reasons the summonses are not duplicative. I agree.

I find that the instant summons is not duplicative of summons # 039121258L

As far as the merits Ms. Dossett presented NYC OATH/ECB Violation Details Screen (see Resp. Exh. B), which indicates that Respondent's Certificate of Correction was accepted by DOB, although there is no mitigated penalty available for the instant violation.

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 per se. 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	09/16/2025
Akinwale Akinrefon, Hearing Officer	Date