



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# : 039121258L et al. (1 summonses) DEPT OF BUILDINGS, -against- QUEENS YANG INC Hearing Date : 9/16/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	5,000.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039121258L	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, QUEENS YANG INC., appeared by its attorney, Phoebe Dossett Esq., to answer a charge of operating/allowing the operation of a Knuckle Boom Crane without a Certificate of operation. 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 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 ocurence, and that multiple people cannot be responsible for the same offense (see Resp. Exh. A).

Ms. Burbridge stated the section of the law, BC 3319.3 provides "No owner, equipment user, or other person shall authorize or permit the use or operation of a crane or derrick that does not possess and/or is not in conformance with a certificate of approval, certificate of operation, and certificate of on-site inspection and that such provision of the law allows for Petitioner to charge different people for the same offense, as in the instant case. I agree.

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

Ms Dossett further challenged the violation being charged as a class 1 stating that Respondent simply not having the Certificate of Operation for the operation of the Knuckle Boom Crane does make the work being doe unsafe or immediately hazardous.

Insp. Thompson stated that operating a knuckle Boom Crane is iimdiately hazardous if being operated by someone not qualified/certified to operate such as it may lead to grave injury to perosns and or property in the vicinity. Ms Dosset stated that the violation charged is a class 1 per se and that Petitioner need not show proof of why it is being cahrged 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.

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 as Respondent continued work after the issuance of a partial stop-work-order. I further find that Respondent has neither rebutted the charge nor established a defense to the violation. Therefore, the summos is SUSTAINED and the standard class 1 penalty is imposed.

 09/16/2025	09/16/2025
Akinwale Akinrefon, Hearing Officer	Date