



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# : 039121259N 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
039121259N	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 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 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 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. Ms. Burbridge also presented 3301.1.1 (see Ret. Exh. C), Responsibility for safety, which provides: 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 such provisions of the law allows for Petitioner to charge different people, other than the permit holder 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 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 summos is SUSTAINED and the standard class 1 penalty is imposed.



09/16/2025

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Akinwale Akinrefon, Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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