



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: 039121279K et al. (1 Summons) DEPT OF BUILDINGS, -against- QUEENS YANG INC Hearing Date: 09/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039121279K	Sustained	08/06/2024	200-08 36 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	27-Misc, 28-Misc, BC -Misc	Sustained	\$2,500.00

Findings of Fact & 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 having an active rigging crew without valid rigging certificates. 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 presented a copy of BC 3319.3 which 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 a copy of 3301.1.1 (see Resp. 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.

Ms. Burbridge also stated that the cited knuckleboom/equipment which was on-site and being used without the required license/certification, belonged to Respondent; and that therefore Respondent is properly named.

I find that Petitioner properly named Respondent as the law allows the charging of multiple/different Respondents other than the general contractor/permit holder, 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 allowing workers to perform rigging work without actually having a rigging certificate is in itself hazardous in that having rigging work done by persons not certified meant that there was a high possibility that the rigging work was not being done according to specifications which could result in grave injury to persons and property in the vicinity, and therefore is immediately hazardous. I agree.

I therefore find that Petitioner properly charges the instant violation as a class 1 as it is immediately hazardous and has the potential of causing grave harm/injury to persons and property in the vicinity.

Nothing was presented on the merits.

I credit the allegation in the summons as well as the testimonies and evidence presented by Ms. Burbridge and Insp. Thompson. I 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.



09/23/2025

09/23/2025

Akinwale Akinrefon, Hearing Officer

Date