



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039531067K et al. (1 Summons) DEPT OF BUILDINGS, -against- MILESTONE CONSTRUCTION CO Hearing Date: 03/25/2025 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
039531067K	Sustained	08/05/2024	131-02 B 40 ROAD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1F1	BC 3301.1.3 (2014 code)	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Caroline Kane, Esq. appeared as the authorized representative of the Respondent. Petitioner appeared by Henrietta Asiedu Baidoo.

Respondent is charged with a Class 1 violation of BC 3301.1.3 (2014 code) for failing to comply with the cited code requirements, as described in the summons.

Petitioner relied on the summons and submitted photographs. Petitioner stated that the photographs show the front facade, the injured worker on the floor, and the cited ladder. Petitioner also stated that the ladder was converted to be utilized with

makeshift repairs. Petitioner submitted manufacturer's specifications.

Ms. Kane stated that the named Respondent is the general contractor and the general contractor should not be responsible because it trained worker properly. Ms Kane submitted DOB v. Citi Builders NY LLC Appeal No. 2400070 March 28, 2024. Ms. Kane submitted a pre-shift signing log sheet, work site safety training card, and site safety orientation. Ms. Kane stated that the ladder fell and it is not clear if the ladder was damaged prior to the worker falling.

Petitioner stated that the IO was only shown pre-shift sign in sheet and an incident report. Petitioner also stated Respondent has not present any evidence on how the worker was trained on how to use the cited ladder, and the manufacturer specifications indicate how the ladder should be used, how it should be inspected for damage before use, and instructions on how to use the ladder. Petitioner further stated that one fall should not damage the ladder to the extend that the issuing officer's photograph shows, and the manufacturers specifications say to get rid of a damaged ladder.

I find that Respondent did not establish a valid defense or credibly rebut the violation.

Sustained.

	
04/17/2025	04/17/2025
Myeisha Rouff, Hearing Officer	Date