



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039527315Z et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

EMPIRE PROP PARTNERS LLC

Hearing Date : 12/2/2024

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
039527315Z	Sustained	04/09/2024	310 FENIMORE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1P7	Misc. BC—Chapter 33	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & Conclusions of Law

I sustain the summons and impose the \$5,000.00 statutory penalty.

Mathew Whitening (Representative) appeared at the teleconference hearing for respondent EMPIRE PROP PARTNERS LLC (Respondent) and waived his rights to translation services and the presence of the issuing officer. Cassie Renee appeared telephonically for petitioner New York City Department of Buildings (DOB).

Respondent was cited for a Class 1 of Section 3307.2.1 of the Building Code of the City of New York (BC), for obstructing a sidewalk.

BC 3307.2.1 provides that "[t]he requirements of [DOT] shall apply with regard to the closing of streets or sidewalks, or to the obstruction of any part thereof.

In addition to the summons, Petitioner submitted 15 photos of the conditions observed by the I/O. Representative did not dispute the factual allegations in the summons but challenged Class arguing that it was not an immediately hazardous condition. I find that cited failure to maintain the 5 foot pedestrian walkway and the other allegations in the summons constitute a Class 1 violation and I find that Representative's Class challenge is meritless. I credit the summons and Petitioner's photographic evidence and find that Petitioner has established a Class 1 violation of BC Section 3307.2.1. Accordingly, I sustain the summons and impose the \$5,000.00 statutory penalty.



12/05/2024

12/05/2024

Thomas Finn, Hearing Officer

Date

