



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street - 1st Floor 1st Floor Brooklyn, NY 11217	Summons No: 039111568H et al. (1 Summons) DEPT OF BUILDINGS, -against- YSR CAPITAL LLC Hearing Date: 03/17/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039111568H	Dismissed	04/12/2024	71 SOUTH 4 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	27-Misc, 28-Misc, BC -Misc	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons alleges that on 4/12/24, the Respondent, YSR Capital LLC, was in violation of BC section 1704.1.2, Class 1, in that IO observed cold form steel installed and modified with make-shift connections at multiple floors at 71 South 4th Street, Brooklyn, NY. Upon review of department records no TR1 for underpinning was filed.

Phoebe Dossett, Esq. appeared for Respondent. Rafeena Khairullah, Esq. appeared for Petitioner DOB with IO Gutierrez #2868. Petitioner rested on the summons and provided photographs taken by the IO at the time of inspection and DOB NOW

screenshot showing no TR1 filing for underpinning (See Pet. Ex.).

Ms. Dossett moved to dismiss in that the summons does not identify a specific provision of law as required under 48 RCNY 6-08(c), relying on appeal #2400150. The section of law referenced in the summons is miscellaneous. The violation details narrative references BC section 17041.1.2 which does not exist. Petitioner moved to amend to a miscellaneous violation referencing BC section 1704.1 which requires (one or more) special inspection agencies to be retained by the owner to provide inspections during certain types of construction work.

Ms. Dossett opposed the amendment arguing the Respondent had inadequate notice and also argued that even if the amendment were sustained the Respondent, as owner, is an improper party to be cited. Ms. Dossett argued that a special inspector had been retained as confirmed in prior summonses (Petitioner provided DOB document indicating that "Wu Chen" was the special inspector as of 11/17/23).

The motion to amend is denied. 48 RCNY 6-13(e) allows an amendment to the summons if: (1) the subject of the amendment is reasonably within the scope of the original summons; (2) such amendment does not allege any additional violations based on an act not specified in the original summons; (3) such amendment does not allege an act that occurred after the original summons was served; and (4) such amendment does not affect the Respondent's right to have adequate notice of the allegations made against him or her.

Here, the amendment does affect the Respondent's right to have adequate notice of the allegations made against him or her.

BC section 17041.1.2 does not exist. While BC section 1704.1 does reference the requirement for the owner to retain a special inspector, the IO does not allege that as the violating condition. The IO testified that there were no TR 1's on record and that the owner was the responsible party. While I credit the IO's testimony regarding the lack of filed TR1's, the section of law if amended is still inappropriate and does not comport with the narrative in the summons and/or the testimony provided at the hearing. Further I do not see why the owner, who had retained a special inspector, would be liable for the special inspectors failure to file certain retorts, when that is not a clear owner designated responsibility in the section Petitioner requested to amend to.

Accordingly, the summons is dismissed.

	
03/24/2025	03/24/2025
Lara Bianchi, Hearing Officer	Date