



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

Mathew Whitening 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 039112563N et al. (1 summonses) DEPT OF BUILDINGS, -against- DANMOR REALTY CORP. Hearing Date : 11/14/2024 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 1,250.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039112563N	Sustained	04/24/2024	235 ELDRIDGE STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

Respondent DANMOR REALTY CORP ., appeared by authorized representative Matthew Whitening via telephone hearing on 11/14/2024. The petitioners appeared by Malka Amar. It should be noted that there was an officer request for this summons from an adjournment, however the officer is no longer with DOB, so the hearing commenced without the issuing officer.

The summons alleges a Class 1 violation of 28-301.1, "FAILURE TO MAINTAIN GOOD NECK TO THE ROOF. AT TIME OF INSPECTION OBSERVED LOOSE GOOD NECK LADDER MAKING IT A UNSAFE EGRESS.". 28-302.1.

The Petitioners submitted into evidence a PDF with photographs, as well as a google search screenshot with photos and a definition of what a gooseneck ladder is, marked Petitioners exhibit A. The Petitioners highlighted the photograph on page 16, which the Petitioners stated shows the violation as it is described on the summons. The Representative argued that the summons should be dismissed because the ladder sited to is rarely used and not a means of egress. The Representative stated that the ladder goes to the roof, which is a restricted area. The Representative further articulated that the issuing officer wrote in the summons "unsafe egress" the Court should only consider safety of the ladder as it pertains to egress. And since the ladder is rarely used and not a means of egress, the summons should be dismissed.

I give credit to the statements made on the summons and find that the petitioners have established a prima facia case. Here, the Court does not find the Representatives defense/arguments convincing. Section 28-302.1 states. "A buildings exterior walls and appurtenances thereof shall be maintained in a safe condition.". The ladder not being a means of egress, does not make the ladder less unsafe in the event it is needed to be used for egress. Based on the condition of the ladder shown in the photograph, the Court finds the petitioners convincing in showing that the ladder is unsafe, contrary to the code cited. Therefore, the Respondent is in violation of the alleged charge, and the summons is sustained.



11/21/2024

11/21/2024

Muminur Rahman, Hearing Officer

Date