



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: 039115773P et al. (1 Summons) DEPT OF BUILDINGS, -against- ALL BOROUGH GROUP SVC INC Hearing Date: 01/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039115773P	Sustained	05/31/2024	159 EAST 33 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B114	AC 28-105.12.2	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Rafeena Khairullah, Esq. appeared as counsel for the Petitioner the New York City Department of Buildings. She submits a BIS overview complaint, the approved drawings, and a series of photographs marked collectively as exhibit "1". She relied on the issuing inspector's class 1 designation and recommended the minimum penalty.

Phoebe Dossett, Esq. appeared as counsel for the respondent. She questioned Inspector Dupree on the width of the fire escape and his measurements. She challenged the class 1 designation.

The issuing inspector B. Dupree appeared under oath at the hearing and testified that observed an extended fire escape which

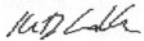
measured 23 inches, and the approved plans required the fire escape width to be 2 feet 3 inches.

Respondent is charged with having work does not conform to approved construction documents, because the approved plans for the fire escape show a width of 2 feet 3 inches, but the actual width of the fire escape is 23 inches, under Code 28-105.12.2, as a class 1 charge.

I find Ms. Dorsett's challenge to the class 1 designation to not be credible.

I find petitioner, through the sworn written testimony contained in the summons, has made out a violation of Code 28-105.12.2, as a class 1 hazardous charge.

I sustain this summons and I impose the statutory approved class 1 minimum penalty.



01/14/2025

01/14/2025

Keith J. Ludwiczak, Hearing Officer

Date