



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET
Brooklyn, NY 11217

Summons# : 000941064L et al. (2 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

FQE ELECTRIC LLC

Hearing Date : 1/27/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 880.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000941064L	Sustained	11/19/2024	ON LAWRENCE ST BETWEEN FULTON ST and

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000941128L	Sustained	04/03/2025	ON LAWRENCE ST and Willoughby StreetBETWEEN

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

Findings of Facts & Conclusions of Law

ILMA BABU appeared as the authorized representative of the named respondent. No appearance for the Department. The summonses cite violations of 24-163 as a second violation

The respondent did not dispute the prior and denied, but offered no evidence to rebut, the charge.

I find the sworn account of the issuing officer to be credible, and that it establishes the charge. The respondent failed to set forth a valid legal defense. The summonses are sustained as second offenses..

 01/27/2026	01/27/2026		
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: none;">Amy Jill Baranoff, Judicial Hearing Officer</td> <td style="width: 30%; border: none; text-align: right;">Date</td> </tr> </table>		Amy Jill Baranoff, Judicial Hearing Officer	Date
Amy Jill Baranoff, Judicial Hearing Officer	Date		

Phoebe Dossett, Esq., appeared on behalf of the Respondent Sahara Contractor Corp.

Kim Manas, Esq., appeared on behalf of the Petitioner, the DOB.

The issuing officer was unavailable for the hearing.

The summons alleges a Class 1 violation of NYC Building Code Chapter 33, miscellaneous violations, with the officer stating, observed inadequate storage of LPG, observed containers not locked away when not in use, this condition is a clear violation that is not in compliance w/section 3313 that refers to fire code.

Ms Manas presented 37 photos of the site, including 4 photos of the conditions cited in the summons.

Ms Dossett challenged service.

The summons was served using NYC Charter 1049-a(d)(2), affix and mail service, with the officer stating, "I made the following reasonable but unsuccessful attempt to effectuate service upon Respondent or upon any other person who service may be made as follows: Knocked on door, call out to workers, but no answer. A true copy of the notice of violation was posted at the following conspicuous place on the premises where the violation occurred: Exposure #1 entrance."

Ms Dossett called into question the officer's statement, stating that the photographic evidence presented by the Petitioner demonstrates that the issuing officer gained access to the property, presumably with the assistance of the workers on site, yet the narrative in the affidavit of service states the following the officer was unable to contact any workers.

Ms Manas said that officers in the normal course of business, inspect building sites and then return to their car to write the summonses.

Ms Dossett stated that the narrative is unclear as to whether any workers are present on site and argues that "calling out" is not a reasonable attempt without a narrative that establishes that workers are not present on the site or that workers were on site and refused to accept service.

Ms Manas said that the absence of workers is implied by the statement that the officer knocked at the door.

I find that the clearest reading of the officer's statement is that he was unable to access the site after knocking on the door and calling out to workers and thus that service was not defective.

With regards to the merits of the summons, Ms Manas relied on the summons.

Ms Dossett presented 21 photos of the site, including one of the cited LPG tank.

Ms Dossett argued that only one bottle was involved, it was uncapped and empty, and thus it was not sufficiently hazardous to be designated a Class 1 violation.

Ms Manas moved to amend from Class 1 to Class 2 as more appropriate for the cited conditions.

Without objection, the summons was amended.

Ms Dossett denied the allegations of the summons as amended, but made no rebuttal.

The summons as amended is sustained.

Sean Gralton

01/23/2026

01/23/2026

Sean Gralton, Judicial Hearing Officer

Date