



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039531469N et al. (1 Summons) DEPT OF BUILDINGS, -against- J&J DESIGNS INC Hearing Date: 03/11/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039531469N	Sustained	08/16/2024	259-09 81 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B212	BC 3303.4 27-1018	Sustained	\$625.00

Findings of Fact & Conclusions of Law

Respondent, J & J Designs Inc., appeared by Caroline Kane Esq., as attorney, and Deanna Lamberti Esq., appeared for the petitioner, DOB.

The respondent is charged with a class 1 violation of BC section 3301.4 and section 27-1018 of the NYC Administrative Code for failure to maintain adequate housekeeping.

Ms. Kane moves to dismiss the violation on the grounds that it is duplicative of violation no. 039531483J (83J); that the instant violation is concerning the same construction site cited in 83J and the cited construction debris is the same construction debris cited in 83J. She submits in support, Appeals Board (AB) decision no. 2400307.

Ms. Lamberti opposed the motion and states that the instant violation is not duplicative of violation 83J in that they cite different places of occurrence. She states that whereas the violating condition in 83J occurred at 259-03 81 Avenue, the violating condition cited in the instant summons occurred at 259-09 81 Avenue, which are two separate addresses.

Respondent's motion to dismiss is denied. I find that the instant violation is not duplicative of the violation 83J. A review of violation 83J in comparison to the instant violation shows that although the two violations' factual details used the same words in the description of the violating conditions, the cited conditions though similar, occurred at different places. I find that the instant violation is not duplicative of violation 83J. Therefore, respondent's motion to dismiss is denied.

The AB decision no. 2400307 cited by Ms. Kane is distinguishable. In the case the two duplicative violations were issued for failure to maintain adequate housekeeping citing the same "Pile of construction debris" as the violating condition. The case is dissimilar to the instant case where the two violations (83J and the instant violation) were issued for two similar but different violating conditions, at two different places of occurrence.

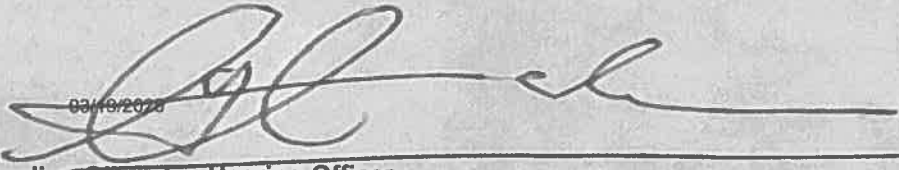
Ms. Kane, in the alternative, requests an amendment of the charge from a class 1 to a class 2 violation.

Ms. Lamberti moves to amend the charge to a class 2 violation with infraction code B212 on the grounds that DOB records show that the violation was swiftly corrected.

Ms. Kane raised no objection. The motion was granted.

Ms. Lamberti reaffirmed the violation as amended, confirmed that the DOB records show that the violation was corrected before the first scheduled hearing date of 10/22/2024 and recommends a mitigated penalty.

As the petitioner has proved its case as amended, and the respondent has not established a sufficient legal defense to the violation, I credit the facts alleged in the charge. Therefore, the violation is sustained. As the violation was timely corrected before the first scheduled hearing date of 10/22/2024 an approved reduced penalty is hereby imposed.

 03/19/2025	03/19/2025
Cornelius Ojinnaka, Hearing Officer	Date