



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: 039531473X 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: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039531473X	Sustained	08/16/2024	259-09 81 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B115	BC 3301.2 & 27-1009(a)	Sustained	\$5,000.00

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 violation of BC section 3301.2 and 27-1009(a) of the NYC Administrative Code for failure to institute/maintain safety equipment measures or temporary construction in that the issuing officer observed at exposure #4, stairs leading down to the cellar was missing the guard rail system around it to prevent anyone from walking and falling over

the side into the stairwell.

Ms. Lamberti reaffirmed the violation and submits the evidence package, including photographs showing the cited violating conditions.

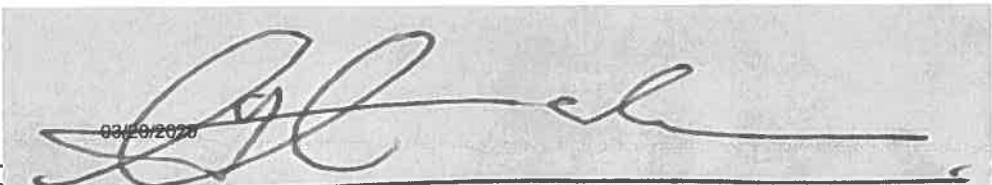
Ms. Kane moves to dismiss the violation on the grounds that it does not state a prima facie case. She asserts that the cited premises is a closed construction site with construction fence and the cited no guardrail condition does not pose any danger to the public.

Ms. Lamberti opposed the motion and states that the cited condition poses a danger to the public, including inspectors who may fall over on the stairs during inspections, and first responders during an emergency. She cites in support Appeals Board decisions nos. 2200954 and 2300646.

Respondent's motion to dismiss is denied. BC § 3301.2 and 27-1009(a) mandate that a general contractor is responsible for instituting and maintaining all safety measures necessary to safeguard the public, including inspectors and first responders. I find that the facts alleged establish a violation of the cited law. Therefore, respondent's motion is dismissed.

Ms. Lamberti reaffirmed the violation and recommends the statutory penalty.

I find the respondent in violation. The claim that the cited premises is a closed construction fence with no access to the public is not a legal defense to the violation as the cited condition poses a danger to building inspectors and first responders. As the petitioner has proved its case, 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, and an approved penalty is hereby imposed.

	03/20/2025
Cornelius Ojinnaka, Hearing Officer	Date