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# : 035717863L et al. (2 summonses) DEPT OF BUILDINGS, -against- GM 88 DEVELOPMENT CORP. Hearing Date : 9/10/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 6,250.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035717863L	Sustained	11/12/2025	9 5th Street, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1F4	BC3305 .3.1.2.1(2014CODE)	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035717865P	Sustained	11/12/2025	9 5th Street, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2F7	BC3301 .7(2014 CODE)	Sustained	1,250.00

Total Penalty for Summons: **1,250.00**

Findings of Facts & Conclusions of Law

Respondent GM 88 DEVELOPMENT CORP. appeared at a remote telephonic hearing for two Summonses on 9/10/2026 by Phoebe Dossett, Esq. of the Nacmias Law Firm.

Petitioner NYC Dept. of Buildings appeared by Deanna Lamberti, Esq.

Respondent is charged in Summons #: 35717863L with a Class 1 violation of NYC Building Code (BC) 3305.3.2.1 for "Failure to obtain registered design professional evaluation prior to using the existing structure to support formwork loads. As noted at time of inspection on an active construction site 4 story new building working on foundation phase and metal deck steel structural. Observed at exposure #2 foundation concrete single face wall in place which appears to be imparting load onto the neighboring property. Observed concrete wall with insulation foam directly attached to the neighbor property."

In Summons #: 35717865P for a Class 2 violation of BC 3301.7 for "Failure to maintain/display on site documents required by BC Chapter 33. As noted at time of inspection on an active construction site 4 story new building working on foundation phase and metal deck steel structure observed A) I-beams steel structural standing on plate with bolts on foundation concrete walls. B) Improper placing epoxy rebar reinforce #4 dowels. Upon request no approved design drawing for connection I-beam and foundation walls and means and methods for placing reinforce rebar with epoxy approved by engineer. Stop all steel structural installation work. Provide to CEU at buildings.nyc.gov. PE approved detailed design for placing rebar and full set of steel structural TR-1 special report with pics. TR-2 compression results."

Ms. Lamberti submitted the following into evidence on behalf of Petitioner: Overview of Complaint and (2) photos. (Petitioner's Exhibits 1-3)

Ms. Dossett argued that the Summonses are duplicative.

Ms. Lamberti stated that they are not duplicative as they charge different sections of law and have different remedies.

I find the Summonses are not duplicative for the reasons stated by Ms. Lamberti.

Ms. Dossett also challenged the Class 1 designation of Summons #: 35717863L. She argued that the concrete next to the adjacent property was not bearing any loads. She also stated that the Stop Work Order was rescinded due to the TR-1 Report which found that even though a professional evaluation did not occur prior, it concurred that it could support the workload.

Ms. Lamberti stated that the violation was properly charged as Class 1 as the cited section of law if a per se Class 1 and, therefore, the violation was properly charged as Class 1.

I find that this violation was properly charged as Class 1 as it is the only classification available for this section of law.

I credit the allegations in the Summons and find Respondent in violation. I also credit that the violation was corrected. However, a Class 1 violation of the cited section of law is not eligible for a mitigated penalty, even if the violation was corrected before the first scheduled hearing date.

Accordingly, Summons #: 35717863L is sustained, and the approved Class 1 penalty is imposed.

Ms. Dossett denied the violations in Summons #: 35717865P but presented no facts to rebut the allegations in the Summons and presented no valid legal defense to the charge.

Accordingly, Summons #: 35717865P is sustained, and the approved Class 2 penalty is imposed.

09/18/2026

09/18/2026

Jerilyn F. Rubin, Hearing Officer

Date