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# : 039149926M et al. (5 summonses) DEPT OF BUILDINGS, -against- HOVHANNISYAN, GEVORG Hearing Date : 9/8/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 8,300.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039149926M	Sustained	06/04/2025	9 MELBA COURT, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1C9	27-3018(b)	Sustained	800.00

Total Penalty for Summons: 800.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039149927Y	Dismissed	06/04/2025	9 MELBA COURT, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039149928X	Sustained	06/04/2025	9 MELBA COURT, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039149929H	Sustained	06/04/2025	9 MELBA COURT, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039149930P	Sustained	06/04/2025	9 MELBA COURT, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	2,500.00

Total Penalty for Summons:	**2,500.00**

Findings of Facts & Conclusions of Law

Respondent appeared by its attorney Phoebe Dossett, Esq. to respond to the summonses which were all issued on June 4, 2025. Ms. Dossett submitted various documents related to the subject property including permits, the DOB NOW Property Profile page for the subject property and the NYC DOB Overview For Complaint.

Petitioner appeared by its attorney Richard Mayer, Esq. and submitted photos taken by the IO during the inspection.

IO T. Horton appeared and testified.

The summonses were issued on June 4, 2025.

Summons No. 039149926M

This charge sets forth that there was work without a permit - Full Stop Work Order (FSWO) issued for all electrical work being done on the residence - IO observed at 8:00 A.M. on the second floor and basement there was newly installed Romex writing approximately 40 electrical boxes mounted on the walls and ceiling and one electrical panel in the basement – work is 50 percent completed no permits were found for the scope of work.

IO Horton testified that he observed that the subject residence house was being renovated and that there were workers on site and reviewed the photos that he took during the inspection and explained where he observed the new electrical work (brand new electrical wiring, electrical boxes,) and that a review of DOB records showed that there was no permit on file for such work.

Ms. Dossett argued that the Class 1 designation is not supported by the charge and also submitted a permit that was issued to an electrician on July 29, 2025 for general wiring etc.

IO Horton testified that since the work was done without a permit it cannot be determined if the work was done by a licensed electrician and therefore there is the risk of a large scale fire. As such the Class 1 designation is appropriate.

Mr. Mayer stated that Petitioner objects to the amendment of the Class 1 designation but recommends mitigation of the penalty amount as the permit submitted by Respondent shows timely correction.

I credit IO Horton's testimony, photos and observations during the inspection and find that the conditions observed i.e., was electrical work performed without a permit immediately hazardous and therefore such conditions support a Class 1 designation. And, Respondent's class challenge is rejected.

I further find that there was timely correction and that therefore the penalty amount should be mitigated.

Accordingly the summons is **sustained** with the mitigated penalty amount imposed as set forth above.

Summons No. 039149927Y

This charge sets forth that there was work without permit - FSWO issued for all plumbing work being done on the residence - IO observed on the first and second floor newly installed plumbing work being done for the kitchen and the bathrooms work is forty percent completed - no permits were found for the scope of work.

IO Horton testified that he observed that all of the old plumbing that existed in the subject residence was removed as part of the full gut renovation of the residence and that one of the photos from the inspection shows PVC pipes which indicates that there was plumbing work underway. IO Horton further testified that the reason why there is no plumbing shown in the photos is because the old plumbing was removed. Also a photo of a bathroom shows a bathroom pipe in the middle of the floor.

Ms. Dossett moved to dismiss the summons arguing that the charge sets forth that the IO observed newly installed plumbing work being done for the kitchen and the bathrooms without a permit but IO Horton's testimony indicates that no new plumbing work was installed as of the date of the inspection therefore the charge fails to give Respondent proper notice of the conditions observed.

Inspector Horton also testified that none of the photos show that there was newly installed plumbing.

Inspector Horton credibly testified during the hearing regarding the removal of all old plumbing as part of a gut renovation; however, there was no evidence submitted nor testimony during the hearing to support the charge that forty percent of the new plumbing was installed at the time of the inspection. In light of the foregoing, the motion to dismiss is granted.

Accordingly the summons is **dismissed.**

Summons No. 039149928X

This charge sets forth that there was work that there was without permit - FSWO issued for all stucco work being done on the exterior of the resident – IO observed newly installed exterior insulation finish system at exposure 2 of the 2 story residence- insulation finish system is exceeds more than 100 square feet requires a permit - work is 50% completed - no permit was found for the scope of work.

IO Horton testified that he observed workers on scaffolding doing stucco work on the exterior of the residence at exposures 1, 2 and then 3 and that the area where such work was being performed was over 100 square feet.

Ms. Dossett moved to dismiss the summons arguing that a separate permit was not required for such work and that the there was a permit issued to the general contractor and that permit covered the stucco work. Ms. Dossett also argued that the summons and the charge therein is duplicative of the summons no. 039149929H as both summonses were issued for work without a permit. Ms. Dossett submitted copies of a permit issued on November 19, 2025 for alternation work (cellar, floors 1-2) and to resolve the violation at issue here and the other violations described in the companion summonses.

Ms. Dossett also objected to the Class 1 designation as what was observed was not immediately hazardous and there were no unsafe conditions.

IO Horton testified that (i) the exterior was over 100 square feet and therefore a permit was required for the exterior work as the work was not a minor alteration or ordinary repairs and (ii) the Class 1 designation is supported by what he observed – the scaffolding used by the workers performing stucco work was on the street and open to the public and there was no construction fence and no protection from falling debris.

Mr. Mayer argued that the summons is not duplicative as the two summonses were issued for different areas – one for exterior stucco work and the other for demolition work in the interior.

The motion to dismiss is denied. Thus I find that a permit was required for the exterior stucco work as the work covered over 100 square feet and was not just ordinary repairs. Also the summons is not duplicative of summons no. 039149929H which was issued for work without a permit for general construction-demolition of structural work on the first and second floors and this summons (summons no.0391499268X) was issued for work without a permit for stucco work on the exterior of the residence. Further the conditions observed by IO Horton support a Class 1 designation as such conditions were immediately hazardous.

I also credit IO Horton's testimony, photos and observations during the inspection and find that the exterior stucco work covered over 100 square feet and was not an ordinary repair and therefore a permit was required for this work.

Accordingly the summons is **sustained** as a Class 1 violation.

Summons No. 039149929H

This charge sets forth that there was work without a permit - FSWO issued for all general construction. Carpentry demolition structural work etc. being done on the residence. IO Observed on the first and second floors newly installed wooden 2x4 partition walls and ceiling joist. Work is 80 % completed - no permits were found for the scope of work.

IO Horton reviewed the photos showing the carpentry demolition etc.

Ms. Dossett objected to the Class 1 designation arguing that the conditions observed by IO Horton were safe and the stop work order had been lifted and that the DOB Now record shows that there were no unsafe conditions.

IO Horton testified that the conditions he observed support a Class 1 designation because everything was demolished without a permit and new walls were erected and what was observed supports a Class 1 designation.

I credit IO Horton's testimony, photos and observations during the inspection and find that what was observed supports a Class 1 designation.

Respondent did not establish a defense to the charge and the Class 1 argument is not supported by the record.

Accordingly the summons is **sustained** as a Class 1 violation.

Summons No. 039149930P

This charge sets forth for that Respondent failed to institute\maintain safety measures no guardrails – IO observed no guard rails system on the stair cases on the first floor and the stair case leading to the basement which is a hazard to the workers on the site.

IO Horton reviewed the photos and testified that there were no handrails on the staircase into the basement and no protection during active work and this could result in a worker tripping and falling and the risk of injury or worse. IO further testified that a guardrail system was required for the internal staircase.

Ms. Dossett argued that a guardrail system was not required and relied on the Board's decision in DOB v. Monadnock Construction, Appeal No. 2401773 (January 30, 2025) which involved a summons issued pursuant to BC 3301.2 for an active job site where a tower crane caught fire and was smoking and the crane collapsed, the premises were evacuated and a controlled access zone was set up and the public did not have access to the site. In that case the Board disagreed with the JHO's findings that there was a violation under BC3301.2. In doing so, the Board reversed the JHO's decision because (i) the IO testified that he was able to climb the stairs in question safely (ii) Respondent's Vice President of safety testified that the site was inaccessible to the public (iii) no worker or first responder was injured inside the building during the evacuation and after the incident and (v) the handrail for the stairs was temporarily removed in order to install sheetrock was replaced the following day after the crane collapse. Consequently the Board found that the temporary removal of the handrail posed a risk to first responders and inspectors that "was too slight to establish a violation under the second prong of the statute".

Unlike the summons that was the subject of the Board's decision in the foregoing appeals case, the summons at issue here was issued pursuant to NYC AC 28-301.1. That code section provides that all buildings and all parts thereof shall be maintained in a safe condition.

Respondent's argument that a guardrail system is not required under the Building Code for an internal staircase is not supported by the law or the evidence presented in this case. As an initial matter the summons was issued pursuant to BC 28-301.1 which requires that the property be maintained in a safe condition and the subject premises was an active job site. Here the evidence shows that the stair case had no protection (or guardrail system) and that the staircase had a large open space where a worker could fall through to the floor below causing serious bodily injury.

Thus, based on the record before me I find that Respondent failed to have a guardrail system and/or any protection for the unenclosed staircase which posed a hazard to the workers on site and during active construction. The photos support this as there is a large opening shown in the photos of the staircase which is unenclosed without protection and where a worker could have fallen through the opening to the floor below.

Accordingly the summons is **sustained.**

09/15/2026

09/15/2026

Melanie Finkel, Hearing Officer	Date