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 No:** 039544197L et al. (1 Summons) DEPT OF BUILDINGS, -against- JOHN EVAN CONTRACTING COR **Hearing Date:** 09/17/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$5,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039544197L	Sustained	08/28/2025	1056 PROSPECT AVENUE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B209	BC 3301.2	Sustained	$5,000.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. appeared on behalf of Respondent John Evan Contracting Corp.

Richard Mayer, Esq. appeared on behalf of the Petitioner, Dept. of Buildings.

Petitioner charges BC 3301.2. Class 2. Petitioner alleges failure to safeguard persons and property affected by construction operations. Petitioner alleges observing workers connecting structural steel with steel H columns above the sidewalk for pedestrians and adjacent properties. No sidewalk shed installed or protection for adjacent properties. Petitioner alleges observing temporary powerlines resting on steel columns without protection. A partial stop work order was issued.

The petitioner produced photographs of the violating condition in support.

Ms. Dossett states respondent denies the allegation with no rebuttal. A Certificate of Correction has not been accepted by the Dept. however the partial stop work order was rescinded on 12/2/25.

I do not credit respondent's denial. I credit petitioner's evidence and find respondent in violation.

Accordingly, the summons is sustained and a standard penalty of $5,000 is imposed.

09/29/2026

09/29/2026

Deborah Mbabazi, Judicial Hearing Officer **Date**

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 No:** 039544208H et al. (1 Summons) DEPT OF BUILDINGS, -against- JOHN EVAN CONTRACTING COR **Hearing Date:** 09/17/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$2,500.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039544208H	Sustained	08/28/2025	1056 PROSPECT AVENUE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1F2	BC 3301.7 (2014 code)	Sustained	$2,500.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. appeared on behalf of Respondent John Evan Contracting Corp.

Richard Mayer, Esq. appeared on behalf of the Petitioner, Dept. of Buildings.

Petitioner charges BC 3301.7. Class 1. Petitioner alleges failure to maintain/display on site documents required by BC Chapter 33. Petitioner alleges observing workers connecting structural steel. Upon review of Dept. records, observed structural steel was installed contrary to plans. No plans on site nor PE stamped letter with modifications. No designation of SIA (Special Inspection Agency). A partial stop work order was issued.

The petitioner produced photographs of the violating condition in support.

Ms. Dossett states respondent denies the allegation and challenges the class 1 designation. She argues the failure to have amended plans on site does not merit a class 1 designation when there is no allegation of a class 1 violation observed on site. The partial stop work order was rescinded on 12/2/25.

Mr. Mayer states the issuing officer designated this summons a class 1 based on his observations as described in the violation details and not just on respondent's failure to produce on site documents conforming to Dept . documents, and I do not disturb it.

I do not credit respondent's denial and find it has failed to establish a valid defense. I credit petitioner's evidence and find respondent is in violation.

Accordingly, the summons is sustained and a standard penalty of $2,500.00 is imposed.

09/29/2026

09/29/2026

Deborah Mbabazi, Judicial Hearing Officer | Date