# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

*Hearings Division*

## DECISION

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|---|---|
| Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC<br>592 Pacific Street 1st Floor<br>Brooklyn,NY 11217 | **Summons No:** 039544198N et al. (1 Summons)<br><br>DEPT OF BUILDINGS,<br><br>-against-<br><br>JOHN EVAN CONTRACTING CORP.<br><br>**Hearing Date:** 09/17/2026<br><br>**Hearing Location:** Remote<br><br>**Type of Hearing:** By Telephone |

Total Penalty Amount: **$0.00**

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

| SUMMONS # | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE |
|---|---|---|---|
| 039544198N | Dismissed | 08/28/2025 | 1056 PROSPECT AVENUE Bronx |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT | PENALTY |
|---|---|---|---|---|
| 1 | B1P7 | Misc. BC–Chapter 33 | Dismissed | $0.00 |

## 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 Misc. BC Chapter 33. Class 1. Petitioner alleges no Construction Superintendent, designation of competent person or alternate to oversee and maintain construction operations while workers were observed installing structural steel. A partial stop work order was issued.

The petitioner produced photographs of the violating condition in support.

Ms. Dossett states respondent denies the allegation. She argues the summons is facially defective because it fails to charge respondent with a specific provision of law within the violation details. She produced Appeal No. 2401666, DOB v. SD Builders and Construction, 11/30/25 in support. No evidence of correction was submitted.

Mr. Mayer states petitioner makes no recommendation.

I credit respondent's evidence and find this summons is facially defective. I do not credit petitioner's evidence and find respondent is not in violation.

Accordingly, the summons is dismissed.

09/29/2026 **09/29/2026**

**Deborah Mbabazi, Judicial Hearing Officer** **Date**