



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: 039551004L et al. (1 Summons) DEPT OF BUILDINGS, -against- XINYE CONSTRUCTION INC Hearing Date: 06/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039551004L	Dismissed	02/26/2026	4919 4 AVENUE Brooklyn

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 XINYE Construction, Inc.

Deanna Burbridge, Esq. appeared on behalf of Petitioner, Dept. of Buildings.

Petitioner charges Misc. BC Chap 33. Class 1. Petitioner alleges misc. violations. Petitioner alleges observing multiple locations with doors leading to balconies and doors leading into pipe scaffolds with a gap of 1 ft. or more between the building façade and walking deck. Petitioner alleges observing doors without control access zone signs and observed a worker accessing the scaffold through a large gap from the main building. Petitioner states respondent failed to maintain the

requirements for fall protection and guardrails.

Ms. Dossett states respondent denies the allegation and moves to dismiss on the ground that petitioner's violation details allege general misc. violations of the Building Code rather than citing to a specific provision of it. She argues petitioner must cite to a specific provision of law in the narrative portion of the violation details to satisfy the notice requirement to respondent. She produced Appeal No. 2001387, DOB v. 1296 Sheridan Assoc. LP, 2/11/21, Appeal No. 2500010, DOB v. Koula Merousis, 2/27/25 and Appeal No. 2400150, DOB v. Columbus/Amsterdam Assoc., 3/28/24 in support. Ms. Burbridge did not rebut Ms. Dossett's arguments and made no recommendation.

I credit respondent's evidence that petitioner has failed to allege a specific provision of the Building Code and therefore has failed to sufficiently provide respondent notice of the section of law being charged as such I find this summons is defective. I do not credit petitioner's evidence and find respondent is not in violation.

Accordingly, this summons is dismissed.

Deborah Mbabazi

06/11/2026

06/11/2026

Deborah Mbabazi, Judicial Hearing Officer

Date