



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: 039152161R et al. (1 Summons) DEPT OF BUILDINGS, -against- VITAL DEVELOPMENT GROUP I Hearing Date: 10/07/2025 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
039152161R	Dismissed	06/27/2025	33-10 38 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2F7	BC 3301.7 (2014 code)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on October 7, 2025. Petitioner was represented by Taylor Barje, Esq. Respondent was represented by Phoebe Dossett, Esq.

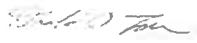
The summons charged a violation of 3301.7 of the Building Code, failure to provide for inspection documentation required by BC Chapter 33 to be maintained on-site. The summons alleged that a DOB-approved "EN Drawing" required by the Energy Conservation Code was not provided when requested on inspection.

Respondent argued that the EN drawing is not required to be maintained on site under Chapter 33. Petitioner argued that BC

3301.7 is expansive in scope, and that the EN drawing falls within the range of documents described in BC 3301.7. Petitioner offered into evidence 1 RCNY 5000-01, the NYC Energy Conservation Code and Buildings Bulletin 2020-02 dealing with ECC construction documents (Exhibit 1).

The description of documents in BC 3301.7, while expansive as to types and content, is modified by the phrase, "Where this chapter requires documents..." It is clear that BC 3301.7 requires that all documents required by Chapter 33 be maintained on site for inspection. That requirement, however, can only be applied when the document is specifically required by some other provision of Chapter 33. Petitioner did not cite a provision of Chapter 33 requiring that the EN drawing or plan be maintained on site. The failure to do so, therefore, cannot be described as a violation of BC 3301.7.

The summons is dismissed.

	
10/07/2025	10/07/2025
Donald Lash, Hearing Officer	Date