



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: 039531772X et al. (1 Summons) DEPT OF BUILDINGS, -against- BRUKLYN BUILDERS INC Hearing Date: 03/27/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039531772X	Sustained	08/24/2024	151 CARLTON AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

CASSIE RENE appeared for the Department of Buildings (DOB), the petitioner here. PHOEBE DOSSETT, ESQ., appeared for the respondent. The summons alleges that respondent maintained an active construction site for a proposed 9-story new building, with approximately 65 workers on site, but no watchperson or security guard on site. Accordingly the inspector issued a class 1 violation of Chapter 33 of the Building Code.

Upon reading the summons, petitioner's counsel moved to amend the summons to a class 2 violation. With respondent's consent, I granted petitioner application. Otherwise petitioner rested on the allegations contained within the four corners of the summons. I find that petitioner makes a prima facie showing of the class 2 violation.

With the summons having been amended to a class 2 violation, Respondent counsel denied liability for the summons, but conceded that she possessed no additional information, factual or legal, that can rebut petitioner's prima facie showing . In that light, I find that respondent has failed to establish a valid defense. I find respondent in violation and I impose the applicable penalty. The fact that respondent may have implemented corrective measures prior to the first hearing date is immaterial because this species of summons is not subject to mitigation.

The summons is sustained.



04/11/2025

04/11/2025

Velly Polycarpe, Hearing Officer

Date