



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: 039540717H et al. (1 Summons) DEPT OF BUILDINGS, -against- BILLY BUILDERS INC Hearing Date: 03/26/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039540717H	Sustained	05/28/2025	551 LAFAYETTE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2F7	BC3301.7(2014 CODE)	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Petitioner NEW YORK CITY DEPARTMENT of BUILDINGS (DOB) was represented by DOB supervising attorney DANIEL BRICKMAN, ESQ.

Respondent BILLY BUILDERS INC was represented by attorney PHOEBE DOSSETT, ESQ. of the Nacmias Law Firm, PLLC.

Respondent was charged with a Class 1 violation of § 3301.111.4 of the New York City Building Code (BC), found in Title 28 of the Administrative Code of the City of New York (Code) for failing to communicate required information during a site safety orientation or refresher.

In the summons, the Issuing Officer affirmed observing on May 28, 2025, at 551 LaFayette Avenue, "Failure to institute/maintain safety equipment measures or temporary construction - No guard rails. At the time of my inspection of a 4-story new building 2nd floor level, I observed 7 workers on the jobsite. Upon request for site safety orientation and refresher none was presented or at jobsite. Failure to provide and maintain site safety orientation and refresher creates a hazard for workers, public and property. Remedy: Communicate the required information Stop all work entire jobsite only allowed to provide and maintain site safety orientation and refresher. Request CSE for reinspection."

I find the Issuing Officer's sworn-to summons narrative, to be credible as to their observations.

Respondent's attorney denied the violation and challenged class, arguing that summons 039540717H was issued for failing to communicate the required site safety orientation and refresher to the workers on site, but that the completed site safety orientation logs for workers dated September 25, 2024, and February 19, 2025 existed, but were simply not on site when inspection occurred.

In support, respondent submitted into evidence an affidavit from the competent person on the jobsite, MUHAMMAD MUDASSAR, stating that he was the designated competent person for approved Department of Buildings ("DOB") job #B08005181 for the project located at 551 Lafayette Avenue, Brooklyn, New York 11205; that he was on site as the competent person on May 28, 2025, when the DOB issued summonses 039540714M, 039540715Y, 039540716x, 03954717H, 039540718J, and 039540728N; that these summonses were issued after an inspection occurred at the active job site; that summons 039540717H was issued for failing to communicate the required site safety orientation and refresher to the workers on site; that all workers at this site have received the required site safety orientation before commencing work and the refresher as it is required; that the fully completed site safety orientation logs for workers are dated September 25, 2024, and February 19, 2025 but were not on site when inspection occurred; that there were copies of site safety orientations on site at the time of inspection that had not yet been completed filling out at the time of inspection.

Petitioner moved to amend the class from Class 1 to Class 2. GRANTED.

Respondent's attorney denied the violation as amended to Class 2 without further rebuttal.

The credible evidence, here the sworn-to summons narrative of the Issuing Officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and since the respondent had made timely compliance, I impose the penalty of \$1,250.

Mark Goichman

04/06/2026

04/06/2026

Mark Goichman, Judicial Hearing Officer

Date