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:** 039540718J et al. (1 Summons) DEPT OF BUILDINGS, -against- BILLY BUILDERS INC **Hearing Date:** 03/26/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039540718J	Dismissed	05/28/2025	551 LAFAYETTE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	Misc. BC–Chapter 33	Dismissed	$0.00

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 § 3315.1.6 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 provide and maintain debris netting creates a hazard for public and property.

In the summons, the Issuing Officer affirmed observing on May 28, 2025, at 551 LaFayette Avenue, "Miscellaneous violations. BC 3315.1.6 At the time of my inspection of a 4-story new building 2nd floor level, I observed sidewalk shed in place at exposure #1 and there were no debris netting from construction fence to underneath the sidewalk shed. Failure to provide and maintain debris netting creates a hazard for public and property. Remedy: Comply with Code Provide and maintain debris netting as per code."

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

Respondent's attorney denied the violation and moved for dismissal, arguing that netting is only required for paths covered by a sidewalk shed accessible to the public through a construction site, and that there was no walkway granting access through the site, and that therefore the summons should be dismissed.

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 039540718J was issued for missing debris netting between the space between the sidewalk shed and construction fence; that upon information and belief, netting is only required for paths covered by a sidewalk shed accessible to the public through a construction site; that there was no walkway granting access through the site and therefore no debris netting was required between sidewalk shed and construction fence at the perimeter of the construction site.

Respondent also cited DOB v. Touchstone Homes LLC, Appeal No. 2000242 [March 19, 2020] and DOB v. Fulton General Contractor, Appeal No. 2000253 [April 23, 2020].

I find the respondent's documentary evidence to be credible and persuasive.

Petitioner's attorney gave no opposition to the respondent's motion to dismiss. Respondent's motion to dismiss is GRANTED.

I find that netting is only required for paths covered by a sidewalk shed accessible to the public through a construction site; that there was no walkway granting access through the site and therefore no debris netting was required between sidewalk shed and construction fence at the perimeter of the construction site. The summons is DISMISSED.

Mark Goichman

04/06/2026

04/06/2026

Mark Goichman, Judicial Hearing Officer	Date