



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: 039544994Y et al. (1 Summons) DEPT OF BUILDINGS, -against- BAYSIDE BUILDERS INC Hearing Date: 01/09/2026 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
039544994Y	Dismissed	09/17/2025	30 CONSELYEA STREET 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

For the reasons stated below, the summons is dismissed.

Phoebe Dossett, Esq. appears for the Respondent and Kimberly Manas, Esq. appears for the Petitioner Department of Buildings (DOB). The Respondent was charged with miscellaneous violations under Building Code chapter 33.

The sworn summons states that the IO observed unsecured piles of materials and garbage bags on the street creating hazardous conditions. No specific DOB rule was cited in the body of the summons, but in the remedy section, there was a reference to Building Code 3307.2.

Respondent's attorney moves to dismiss on the ground that the summons is defective because it does not cite a specific provision of law and does not give her client adequate notice of the charges. The DOB counters by stating that BC 3307.2 is cited in the remedy section.

Section 6-08(c)(3) of the OATH Rules of Practice for the City of New York requires that the Summons must contain, at a minimum, information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated. Plus, the Appeals' decision of *DOB v. Thind Builders NY Inc.*, Appeal No. 2401480 (November 21, 2024) reversed a JHO's decision and dismissed the summons on these same grounds, stating, "The summons merely cites as the provision of law a miscellaneous charge under BC Chapter 33 but does not identify a specific section charged, rendering it defective. [citing to *1296 Sheridan Associates LP*, 2001387 (summons dismissed where the summons cited to a miscellaneous charge under 1 RCNY and the Reference Standard but did not identify a specific section charged)]." *Thind Builders* further states, "Nor does the narrative portion of the summons identify any specific section of the BC. [] On this record, the Board finds that the summons fails to comport with 48 RCNY § 6-08(c)(3)." See also *DOB v. SD Builders and Construct*, Appeal No. 2401666 (January 30, 2025).

Nor is it sufficient that there is a citation in the remedy section. In *DOB v. 1296 Sheridan Associates LP*, Appeal No. 2001387 (February 11, 2021), the Board reversed the hearing officer's decision, and specifically rejected the IO's argument to consider the "Remedy" section (comprised of numerous parts, sub-parts, and sub-sub-parts), reasoning that optional [remedy] section is wholly separate from the "Provision of Law" and "Violation Details" portions of a summons and does comprise the IO's observations at the time of issuance. Cf. *DOB v. Lead Foot Enterprises LLC*, Appeal No. 2000062 (February 20, 2020) (summons sufficient when "Provision of Law" charged only "ZR-Misc." but where the IO provided a specific section of law with the "Violation Details" narrative).

Similarly, the summons in this matter also asserts miscellaneous charges under Chapter 33 without giving a specific provision. As such, this summons did not properly inform Respondent with reasonable certainty the section of law it is being accused of violating. Summons dismissed pursuant to Rule 6-08(c)(3).

Janine Azriliant

01/09/2026

01/09/2026

Janine Azriliant, Judicial Hearing Officer

Date