



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: 035653856N et al. (1 Summons) DEPT OF BUILDINGS, -against- PYRAMID FRAMERS USA INC Hearing Date: 05/08/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$5,000.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035653856N	Sustained	04/17/2023	1541 NY AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1M7	NYC AC 28-103.21.1	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Respondent appeared by Phoebe Dossett, attorney, hereinafter "respondent." Petitioner appeared by Deanna Burbridge of DOB. IO Haynes also appeared. Respondent is charged with failure to notify the department of an accident causing a fatality.

Petitioner submitted photos from 3/9/23; he did not take the photos; he was not the inspector who responded; he wrote the summons; IO Haynes got involved because no report was filed within 3 days; the photos show the arm his a taxi.

Respondent noted that the photos show that the crane boom fell on a taxi; the IO was unaware if there was anyone in the taxi or any injury.

Respondent moves to dismiss, or alternatively challenging the class; there is nothing in the violation details that notes if there is a fatality; there was no injury or fatality; the reporting requirement is therefore not required; the construction super reported that there was not an injury or fatality as per note from Biz, submitted; it does not rise to an immediately hazardous condition; the fire dept. was on the scene; there is an online form required to be filled in and sent if there is an injury; the dept was aware of what occurred. Respondent submitted the construction super correction packet which states that he learned about the boom crane, he called 311 to make a report; the FDNY was already on site; he still would have to submit the report; the complaint indicates damage to the fence; a fatality is an element of the charge and it has not been met; therefore respondent moves to dismiss.

Respondent requests amending to a class 2 because reporting was submitted to DOB before the first hearing date; and argues that the section requires reporting when there is an injury and the DOB must show evidence of injury to a person.

Petitioner argues that the taxi driver would have been injured based on the damage to the driver's side; the fact that the injury report is silent on the fact of an injury is not dispositive of whether there was an injury, but it is obvious based on the photos.

I am persuaded by petitioner's argument that there must have been an injury; there has to be a class 1 because of the immediate hazard that existed on the day of the summons. I am sustaining this violation and the standard penalty as a class 1 is \$5000.

Janet Winter

05/13/2025

05/13/2025

Janet Winter, Hearing Officer

Date