



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

|                                                                                                            |                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons# : 039529688K et al. (2 summonses)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>MOONEY HOUSE LLC</b><br><br><b>Hearing Date : 10/7/2025</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                        |                                              |
|----------------------------------------|----------------------------------------------|
| <b>Total Penalty Amount :</b> 3,650.00 | <b>Community Service(Hr):</b> Not Applicable |
|----------------------------------------|----------------------------------------------|

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE  |
|------------|---------------------|--------------------|----------------------|
| 039529688K | Sustained           | 06/17/2024         | 18 BOWERY, Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY  |
|-----------|-----------|---------------------|-----------|----------|
| 1         | B217      | BC 3301.9           | Sustained | 1,250.00 |

**Total Penalty for Summons: 1,250.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE  |
|------------|------------------------|--------------------|----------------------|
| 039529690J | Sustained              | 06/17/2024         | 18 BOWERY, Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY  |
|-----------|-----------|---------------------|-----------|----------|
| 1         | B223      | BC 3307.1           | Sustained | 2,400.00 |

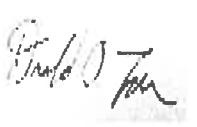
**Total Penalty for Summons: 2,400.00**

### **Findings of Facts & Conclusions of Law**

The hearing was conducted by telephone on Court Call on October 7, 2025. Petitioner was represented by Taylor Barje, Esq. Respondent was represented by Phoebe Dossett, Esq.

Summons #039529688K charged a violation of 3301.9 of the Building Code, failure to post project information on a sidewalk shed parapet. Petitioner offered into evidence photographs taken by the issuing officer (Exhibit 1). Petitioner moved to dismiss the summons as too vague, and not providing notice of the conditions alleged. Respondent noted that the summons essentially stated the charge, and alleged "sign not provided or not in compliance." Respondent cited *DOB v. Robin Simpson*, Appeal No. 2400218 (April 25, 2024), where the Appeals Board found that a summons containing conclusory language failed to provide adequate notice of what was specifically alleged, and did not provide notice required by 48 RCNY 6-08(c). Petitioner argued that the summons provided adequate notice in stating the sign was not provided or not in compliance, and respondent had sufficient investigation to prepare a defense. *DOB v. Robin Simpson* is distinguishable, in my opinion, because the summons in that case did not provide respondent with sufficient information to know what was required to correct the violation. Here, there was no such ambiguity or failure to provide notice. Respondent did not otherwise rebut the allegations in the summons. I credit the summons. The summons is sustained.

Summons #039529690J charged a violation of 3307.1 of the Building Code, pedestrian protection not meeting code requirements, and alleged failure to properly maintain a sidewalk shed. Petitioner offered into evidence photographs taken by the issuing officer (Exhibit B). Respondent denied, but did not rebut, the allegations in the summons. I credit the summons. The summons is sustained.

|                                                                                     |                   |
|-------------------------------------------------------------------------------------|-------------------|
|  | <b>10/07/2025</b> |
| <b>Donald Lash, Hearing Officer</b>                                                 | <b>Date</b>       |

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.**

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to [www.nyc.gov/citypay/oath](http://www.nyc.gov/citypay/oath)

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO COMMUNITY SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF COMMUNITY SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

**How to Contact the Help Center to Schedule Community Service:**

**Manhattan:** (212) 436-0845    [CSmanhattan@oath.nyc.gov](mailto:CSmanhattan@oath.nyc.gov)  
**Brooklyn:** (718) 923-6216    [CSbrooklyn@oath.nyc.gov](mailto:CSbrooklyn@oath.nyc.gov)  
**Queens:** (718) 393-6044    [CSqueens@oath.nyc.gov](mailto:CSqueens@oath.nyc.gov)  
**Bronx:** (718) 503-5565    [CSbronx@oath.nyc.gov](mailto:CSbronx@oath.nyc.gov)  
**Staten Island:** (718) 876-2314    [CSstatenisland@oath.nyc.gov](mailto:CSstatenisland@oath.nyc.gov)

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

**If you do not complete your Community Service by the deadline, you will have to pay the penalty.**

**NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at [www.nyc.gov/oath/appeal](http://www.nyc.gov/oath/appeal). Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY ENFORCEMENT AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,  
visit OATH's website [www.nyc.gov/oath](http://www.nyc.gov/oath)  
or call 1-844-OATH-NYC

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