



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: 039533492K et al. (1 Summons) DEPT OF BUILDINGS, -against- DYNAMIC CONSTRUCTION OF Hearing Date: 03/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$10,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039533492K	Sustained	10/17/2024	1370 DEAN STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B109	BC 3301.2 & 27-1009(a)	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Car Kanev Esq. Respondent, DYNAMIC CONSTRUCTION OF, appeared by its attorney, Phoebe Dossett Esq., to answer a charge of failing to safeguard all persons and property affected by construction operations in that issuing officer observed active jobsite and at roof level, exp 2, there was a gap of about 1 feet between installed guardrails and AC unit. The first hearing date was January 8, 2025.

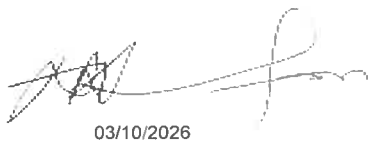
Mr. Kavev relied on the allegations in the summons, as well as pictures in support of the alleged violation (see Pet. Exh. A).

Ms. Dossett moved to dismiss the summons on two (2) grounds, first stating that at the time of inspection there was no active

construction work going on on the roof level; and that the only active construction work was in the interior of the premises; and,secondly, that the violation in question was not immediately hazardous and does not warrant a class 1 charge, and that even though there was a gap between the guardrail and the AC units on the roof level, there was a metal post in the middle of the gap which would prevent any accidents.

Mr. Kanev stated that based on the pictures and the issuing officer's sworn to statements that there was active contruction on the premises, including the roof level, Petitioner stands by its charges. Mr. Kanev Iso stated that the violation is properly charged as a class 1 as there was still enough space/room for someone to fall through the gap,despite the presence of a metal post, which could result in grave injury and or fatality. I agree

I credit the allegations in the summons as well as the testimony and evidence presented by Mr. Kanev. I find that Respondent has neither rebutted the charge nor established a valid defense to the violation. I find that the there was active construction work going on inside and outside the cited premises, including on the cited roof level. I further find that the violation is properly charged as a class 1 and is immediately hazardous despite the presence of a metal post since there was still enough room for someone to fall from the roof level , resulting in grave injury and or fatality. Accordingly, the summons is SUSTAINED and the standard class 1 penalty is imposed.



03/10/2026

03/10/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date