



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: 039529464L et al. (1 Summons) DEPT OF BUILDINGS, -against- GREENWOOD MONITORING LLC Hearing Date: 03/03/2025 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
039529464L	Dismissed	06/10/2024	123 MESEROLE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2L3	BC3321.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

GREENWOOD MONITORING LLC

039529464L

Respondent is charged with a Class 1 violation under BC 3321.1.

Taylor Barje, Esq. appeared on behalf of Petitioner. Phoebe Dossett, Esq. appeared on behalf of Respondent.

Ms. Barje relied on the summons and submitted photos evidence (P Ex 1). She said as per the issuing officer (IO), two of the eight workers on site had cancelled site safety cards at the time of occurrence.

Ms. Dossett made a motion to dismiss the summons, arguing under the cited section of law, the permit holder is responsible to ensure each worker has completed the site safety training and has site safety certification, and there is no allegation that Respondent failed to do that. She said the two referenced site safety card were cancelled after the fact, unbeknownst to Respondent, but Respondent complied with the cited section of law. She said Respondent is not required to check daily to make sure the cards are active.

Ms. Barje made a motion to amend the charge to a Class 2 designation, arguing only two workers had cancelled cards, and they had had the required training prior to the cards being cancelled. Said motion is granted. She also submitted Appeal No. 2400428 (P Ex 2), where workers did have cards, but not the correct cards, after DOB changed the format of the acceptable cards, and the subject cards were not updated to comply with the new requirement. She said this case is similar to the instant case, because workers had the proper training at the time of hiring. She said the GC is required to ensure all workers have the correct cards.

Ms. Dossett argued the Appeal is distinguishable, as there, there was a change in form and manner of the site safety card, and the workers were required to update to scannable cards. She said here, there is no dispute that the workers had the correct cards, and there is no allegation other than the cards were cancelled, which was after Respondent fulfilled its responsibility. She argued by finding Respondent in violation here, the Court would be imposing additional responsibilities on Respondent, which are not included in the cited section of law.

Ms. Barje offered nothing further.

I agree with Ms. Dossett's argument and find Respondent fulfilled its obligation under the cited section of law.

Therefore, the summons is DISMISSED.



03/06/2025

03/06/2025

Susan Brand, Hearing Officer

Date