



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: 039529467R 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: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039529467R	Sustained	06/10/2024	123 MESEROLE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1J8	BC 3301.12	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

GREENWOOD MONITORING LLC

039529465N

Respondent is charged with a Class 1 violation under BC 3301.12.

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

Ms. Barje submitted photo evidence and argued the relevant injured worker signed logs for site safety training and OSHA training but did not sign a pre-shift safety meeting log.

Ms. Dossett made a motion to dismiss the summons, arguing the summons was written on 6/10/24 and does not identify a specific worker. She said there was an incident at the site on 6/7/24, but the details of violation in the summons fail to allege a specific date that the relevant log was not signed or to identify a specific worker who did not sign the log.

Ms. Barje stated the issuing officer (IO) doesn't state the date, but by counting the names in the pre-shift safety meeting log for 6/7/24, there are only 11, whereas there are 16 in the affirmation log, so 16 people affirmed that day, but only 11 attended the required pre-shift meeting. She said it doesn't matter if the IO specifically identified the date and the worker.

Ms. Dossett then argued it comes down to a notice issue. She again stated the summons was issued on 6/10, and the evidence pertains to 6/7, and the IO doesn't identify the worker or what logs were not signed. She said the inspection was 6/10, so he could be talking about 6/7, 6/8 or 6/9. She renewed her motion to dismiss.

Ms. Barje then submitted a relevant June 7th complaint (P Ex 3) showing a worker fell on 6/7. The IO says he could not inspect on 6/7, as the site closed for religious observance, so he went back to inspect on 6/10, when it reopened. She said when the summons was issued on 6/10, the IO was following up and knew he needed to look at the logs from the date of the incident, June 7th, and Petitioner has provided those logs. She stated the June 7th complaint shows that Respondent self-reported the incident, so there is no notice issue. She also noted the named worker in the complaint, Eber, is not included in the safety meeting log for the date of the incident, June 7th.

Ms. Dossett argued that there still is a notice issue, as the information is not contained in the summons. She said as per OATH Rules, the summons is required to give Respondent with reasonable clarity and certainty the essential facts of the allegations, including the date, so there is a notice issue, and the summons should be dismissed.

Ms. Barje offered nothing further.

I find there is no notice issue here, as Respondent self-reported the incident and clearly had knowledge of it. Also, Respondent's own records show the relevant worker did not attend the pre-shift meeting. Respondent's site was not available for inspection on the date of the incident, and the IO went back on the next business day, as a follow-up to his attempt to inspect on the day of the incident. I also find Ms. Barje was able to identify the relevant worker and the date of the incident through Petitioner's evidence. I credit the details as alleged in the summons and find Respondent failed to rebut them.

Therefore, the summons is SUSTAINED.

The Class 1 standard penalty is imposed.



03/07/2025

03/07/2025

Susan Brand, Hearing Officer

Date