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# : 039542211J et al. (2 summonses) DEPT OF BUILDINGS, -against- KE JU CONTRACTING CORP Hearing Date : 3/31/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 0.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039542211J	Dismissed	07/10/2025	168-13 65 AVENUE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2P7	Misc. BC–Chapter 33	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039542213N	Dismissed	07/10/2025	168-13 65 AVENUE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2P7	Misc. BC–Chapter 33	Dismissed	0.00

Total Penalty for Summons: **0.00**

Findings of Facts & Conclusions of Law

Phoebe Dossett, Esq., appeared on behalf of the Respondent, Ke Ju Contracting Corp.

Taylor Barje, Esq., appeared on behalf of the Petitioner, DOB.

Summons 039542211J alleges a Class 2 violation of Chapter 33, Building Code 3314.1, supported scaffold built in unsafe manner. Observed supporting scaffold at all exposures missing crossbracing, no guardrail system, planks not tied off, missing splicing pins, cut frame, platforms not cleaned, stop all use of supported scaffold.

Summons 39542213N alleges a Class 2 violation of Chapter 33, Building Codee 3308.7, Guardrail system. At the time of inspection observed inadequate guardrail system installed at 2nd floor balcony guardrail system missing required toe board and netting (preventing debris/material/equipment from falling down).

Ms Barje presented six photos of the scaffold (Petitioner's photos 8-13).

Ms Dossett stated that the Respondent was in the process of installing the scaffold at the time of inspection, and in support presented shift logs from the four days prior to the issuance of the summons which state that scaffold is being constructed and is not being used for active work.

Ms Dossett stated that the items missing in both summonses were not required at the time of issuance as the scaffold was in the process of being constructed.

Ms Barje did not rebut Ms Dossett's arguments.

I find that the Respondent has presented sufficiently credible evidence to show that the cited scaffolding was under construction at the time and did not require the items cited in the summonses.

The summonses are dismissed.

03/31/2026 **03/31/2026**

Sean Gralton, Judicial Hearing Officer **Date**