



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: 039534239L et al. (1 Summons) DEPT OF BUILDINGS, -against- Front Wave Construction Hearing Date: 08/14/2025 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
039534239L	Dismissed	11/07/2024	8 MAIDEN LANE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B263	28-204.4	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

PHOEBE DOSSETT, ESQ. appeared for the respondent here. The Department of Buildings (DOB), the petitioner here, waived its appearance. The summons alleges that respondent failed to comply with the Commissioner's Order to file a Certificate of Correction with DOB with respect to prior summons 039530604, which had been issued for expired construction fence permit at the above-referenced property. The summons was issued as a Class 2 violation of Section 28-204.4 of the Building Code.

Upon reading this summons, counsel moved to dismiss the summons on two grounds. The first was the fact the the predicate summons cited as the basis for this summons is incorrect. A search of the records failed to identify a DOB summons with the sequence of numbers presented in this summons. Respondent's second ground was based on the manner of service of

the summons. Indeed, a Certificate of Correction could not have been with the incorrect summons number.

In light of the foregoing, I find that the summons fails to make a prima facie showing. I find that respondent is not in violation. Respondent's service argument is moot.

The summons is dismissed.



09/04/2025

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Velly Polycarpe, Hearing Officer

Date