



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: 039530604M 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: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039530604M	Sustained	07/17/2024	8 MAIDEN LANE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B207	BC 105.8.2 (2014 code) & BC 106.8.2 (2022 code)	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

The Department of Buildings (DOB), the petitioner here, waived its appearance at this hearing. PHOEBE DOSSETT, ESQ., appeared for the respondent. The summons alleges that respondent's inactive new building site contained temporary construction equipment whose permit had expired. In particular the issuing inspector cites to the construction fence installed at exposure 1 of the site as the cause for the issuance. He asserted that the fence permit 121235984-EQ-FN expired in November 2023. Accordingly the summons alleges a class 2 violation of Building Code section 105.8.2 (2014 Code) and 106.8.2 (2022 Code). The summons was issued on 17 July 2024.

Counsel denied liability for the summons. Respondent was the General Contractor for the construction, but because of

unresolved disputes with the owners, he pulled the permit for the construction that the construction was inactive for years prior to the issuance. Counsel became the General Contractor for the construction on 18 November 2022 and on 21 November 2024. However, during the 2 years as GC, respondent on respondent's own "Withdrawal Permit Letter" informs that it "repaired the fence, backfill[ed] the site and clean[ed] out the garbage to keep the site clean". The circumstances inform that the fence was intalled by a previous contractor. Clearly, the es, which extended until they withdrew from their position. Thus, if there is any deficiency in the performance of duties that fall under the rubric of respondent's work as GC, then only respondent can be responsible for such deficiency, at least until the date of withdrawal. More importantly, the fence permit expired during respondent's tenure as GC and about 1 year before respondent's withdrawal as GC. Thus, counsel's argument that the owner of the property should be the responsible party for the unpermitted fence is not determinative. Given that respondent was still GC at the time of issuance, the summons properly names respondent as the liable party. Had the circumstances such that there was no GC, the owner would have been responsible. That is not the case here.

In light of the foregoing, I find that respondent has failed to establish a valid defense. I find respondent in violation and I impose the applicable penalty.

The summons is sustained.



09/11/2025

09/11/2025

Velly Polycarpe, Hearing Officer

Date