



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# : 039520797Z et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

M BUILD BUILDERS INC

Hearing Date : 7/22/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039520797Z	Sustained	08/21/2023	372 BRADFORD STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B279	AC 1RCNY-MISC,RS-MISC	Sustained	625.00

Total Penalty for Summons: 625.00

Findings of Facts & Conclusions of Law

The Department of Buildings (DOB) issued this Summons to M Build Builders Inc. The Summons charges a Class 1 or "immediately hazardous" violation of "BC 15 RCNY 20-08.6" for a connection to and use of a "water hose connection to fire hydrant to construction site" without a permit from the Department of Environmental Protection (DEP). Andrew Berger, Esq., represented DEP at the remote hearing, and Phoebe Dossett, Esq., represented M Build Builders. The hearing had been adjourned for the testimony of the inspector who issued the Summons but he was not present.

Mr. Berger relied on the Summons. Ms. Dossett said the Summons should be dismissed, both because the provision of law cited in the Summons did not exist and because the Class 1 classification was not justified. Mr. Berger moved to amend the provision of law to 15 RCNY 20-08(b) and to downgrade the charge to a Class 2 or "major" violation. Both motions were granted without objection, and Ms. Dossett continued to deny the violation but offered no further defense and alternatively requesting a reduced or mitigated penalty for timely correction. In support of the mitigation request, she submitted a DOB record showing that a related stop work order was rescinded Aug. 29, 2023.

I credit the sworn statement of fact in the Summons and find that it supports the amended Class 2 violation charged. I credit Ms. Dossett's evidence as establishing correction before the first scheduled hearing date of Oct. 25, 2023, thereby establishing eligibility for mitigation.

This violation is sustained as amended, and the mitigated Class 2 penalty of \$625 is imposed.

 07/25/2025	07/25/2025
Sara Piovio, Hearing Officer	Date

