



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: 039520806L et al. (1 Summons) DEPT OF BUILDINGS, -against- M BUILD BUILDERS INC Hearing Date: 07/22/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039520806L	Sustained	08/21/2023	372 BRADFORD STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	AC 27MISCAC28MISCBCMI	Sustained	\$2,500.00

Findings of Fact & 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 3301.13.5 on the date and at the location indicated above because logs for the site superintendent were unavailable for 11 of the 14 days there had been work conducted on the site. 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 challenged the Class 1 designation, noting that there were logs according to a complaint history reflecting the revision of a related stop work order eight days a later, a document she submitted. Mr.

Berger responded that it was not clear if the superintendent was checking in every day required or if the logs actually existed on the date of compliance was enough. Ms. Dossett responded that no safety problems were noted on the Summons and that the proof of compliance was enough to negate any Class 1 inference in the Summons.

I note that in other factual situations regarding different charges, I often find Ms. Dossett's argument compelling. However, in this case, I agree with Mr. Berger, that—unlike when the issuance is production of documents requiring DOB approval—compliance eight days later is not compelling evidence that the only failure was a failure to have existing documents on site; it falls short of establishing that the documents had existed on the date of violation and that the superintendent had visited and inspected the site daily as required.

Accordingly, I credit the sworn statement of fact in the Summons and find that it supports the Class 1 violation charged, which Ms. Dossett's argument has not rebutted.

This violation is sustained, and the standard penalty of \$2,500 is imposed.



07/30/2025

07/30/2025

Sara Piovia, Hearing Officer

Date