



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# : 039538759N et al. (1 summonses) DEPT OF BUILDINGS, -against- ROYALTY CONST GROUP INC Hearing Date : 6/10/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039538759N	Dismissed	04/03/2025	12-36 31 DRIVE, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1K1	BC 3301.12.2	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

The hearing was conducted via telephone conference call on June 10, 2025.

Respondent ROYALTY CONST GROUP INC was represented by Phoebe Dossett, Esq.

Deanna Burbridge, Esq. appeared on behalf of petitioner DOB.

The summons charges: BC 3301.12.2

Petitioner stated that they rely on the summons.

Respondent argued that they are moving to dismiss because the information cited as missing by the IO is not required by the cited code. Respondent submitted and appeal to support their position (App 2301741).

Petitioner responded "nothing further" in response to the respondent's argument.

The cited code states as follows:

BC 3301.12.2 Pre-shift safety meeting content.

The pre-shift safety meeting shall include a review of activities and tasks to be performed during the s
shift, including specific safety concerns or risks associated with fulfilling such work.

BC § 3301.12.3 provides:

The permit holder shall maintain, for each worker, a record of one pre-shift safety
meeting per week. Such record shall include for each such meeting:

1. The date and time of each such meeting;
2. The name, title and company affiliation of each worker who participated; and
3. The name, title and company affiliation of the competent person who conducted
such meeting, along with such person's signature.

The details in the summons are written as follows:

Failure to communicate required information to workers during pre-shift safety meeting When asked Competent person for pre-task meetings he provided with inadequate pre-task meeting with missing information for the sequence of work, the hazards and the control for each hazards for the past weeks, creating multiple safety hazards on the construction site.

While the language used in the details of the summons (as shown above) is somewhat unclear, I credit that the IO asked the competent person for a copy of logs for the pre-shift safety meeting and based the violation on a review of the information contained in those logs. Per BC § 3301.12.3, information regarding activities and associated safety concerns or risks is not required to be recorded in the pre-shift safety log. Accordingly, I find that the IO could not thereby infer that the pre-shift safety meeting did not cover a review of activities to be performed during the shift and specific safety concerns or risks associated with performing that day's work, as required by BC § 3301.12.2, based on his review of a log. See

DOB v. Park Management USA Corp, Appeal No. 2201017 (November 17, 2022). As such, the IO's statement in the summons is not supported by a preponderance of evidence in the record.

The summons is dismissed.

 06/11/2025	06/11/2025
James Klein, Hearing Officer	Date

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE
COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION
DATE OR 35 DAYS IF MAILED.**

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO
COMMUNITY
SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF
COMMUNITY
SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

**NON-DISCLOSURE
FOR SUMMONSES
ELIGIBLE FOR
COMMUNITY
SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE
WITH THE DECISION,
YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY
ENFORCEMENT
AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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