



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: 039541030X et al. (1 Summons) DEPT OF BUILDINGS, -against- ROYALTY CONST GROUP INC Hearing Date: 03/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039541030X	Sustained	06/04/2025	12-36 31 DRIVE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B211	BC3307.7.9	Sustained	\$1,000.00

Findings of Fact & Conclusions of Law

Respondent appeared by its attorney Phoebe Dossett to respond to the charge that a job fence was not constructed or maintained pursuant to subsection in that the IO observed that the required construction fence at exposures 1, 2 and 4 had excessive graffiti in multiple locations and construction fence not being properly maintained.

Respondent appeared by its attorney Anuj Vaidya, Esq. and submitted photos taken by the IO.

Ms. Dossett argued that having graffiti on a construction fence is not a violation under BC 3307.7.7 and that Respondent has no control over the site and not liable when someone puts graffiti on the fence. Therefore, Ms. Dossett argued that Petitioner

did not establish a prima facie case against Respondent.

Mr. Vaidya responded that the color of the construction fence must be green and moved to amend the cited code section to BC 3707.7.9 which sets forth the requirements for the color of construction fences.

Ms. Dossett opposed the motion to amend arguing again that Respondent is not responsible for the graffiti and has no control over it. Also Petitioner did not establish a prima facie case against Respondent and the two areas where there was graffiti does not change the color of the construction fence.

Mr. Vaidya stated that the fence was not being maintained and the graffiti was excessive and an indication that the site and fence were not being monitored by Respondent. Also having graffiti on a construction fence could cover up an information panel etc.

BC 3307.7.9 Color. provides in relevant part as follows:

Solid fences shall meet the following color requirements:

1. Acceptable colors are hunter green, metallic gray, or white. In addition, when the fence is installed for an existing building, other than one undergoing a full demolition or subject to the provisions of Section 28-101.4.5 of the *Administrative Code*, a color matching the facade, trim, cornice, or roof of the building, if such roof is sloped and visible from the street, is acceptable.

The motion to amend is granted over Respondent's objection and the code section is amended so that the subsection under BC 3307.7 is included and amended to BC 3307.7.9.

On the merits I find that the charge establishes a prima facie case against Respondent and that having graffiti on a construction fence is a violation under BC 3307.7.9. Respondent's argument that it is not responsible for what is placed on a construction fence is without merit.

Accordingly the summons is **sustained**.

Melanie Finkel

03/19/2026

03/19/2026

Melanie Finkel, Judicial Hearing Officer

Date