



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: 035668006Z et al. (1 Summons)

DEPT OF BUILDINGS,

-against-

ADIR STUCCO INC

Hearing Date: 05/08/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035668006Z	Dismissed	09/28/2024	19 Whitman Drive Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2A7	28-116 .1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent appeared by Phoebe Dossett, attorney, hereinafter "respondent." Respondent produced Mr. Zeno, owner of the home. Petitioner appeared by Deanna Burbridge of DOB. IO Munoz also appeared. Respondent is charged with failure to provide access to cellar during construction.

Petitioner submitted photos taken by the IO. IO testified that he responded to a complaint of no weekend permit posted. IO is part of the emergency response team. The person there denied access; they heard a child and saw 2 dogs; the man there said that he did not have a key to the cellar but he was able to put the dogs and the little girl in the cellar; the man is in the photos; he would not identify himself;

Respondent questioned the IO; the inspector saw a pick up truck out front and he did not know if he was doing work and said the site should be closed if there is no after hours permit. At no time did IO see the person engaged in any active work. The IO received the plans from the person at the site. The man said he did not have the key to the cellar. IO saw him open the cellar door to put the dogs away.

Respondent produced the homeowner Mr. Dossett. He was at the house; he was renting a house a few days away; he went to the house to make sure that everything was ok; he wanted to check on the roof in the rain; he walked over with his 2 dogs in the backyard; when he came out front he saw the inspector walking around; he let the IO in, when the IO said he wanted to go into the basement; he put the dogs inside the basement with a special small door that he uses for the dogs only and he operates it with a remote; he didn't want the dogs to bite the IO. He did not have the key to the cellar through the regular door. He owns the white pick up truck that was parked outside. He testified that he did not have a child with him. It could have been from a neighbor house.

Respondent submitted a deed confirming that he is the owner of the site, as well as a photo that shows the regular door of the cellar and the small door on the left side of the regular door for the dogs. Respondent argued that the IO was given access to the property. IO also testified that he offered to walk to his rental house to get the key to the cellar but the IO said he couldn't wait.

The petitioner argued that the IO saw the large door being opened. I am not persuaded by petitioner's argument or IO's testimony about the cellar door.

I am persuaded by respondent owner's testimony and respondent's argument that no work was being done after hours. I find no violation of the section cited and I am dismissing this violation.

Janet Winter

05/13/2025

05/13/2025

Janet Winter, Hearing Officer

Date