



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: 039524274H et al. (1 Summons) DEPT OF BUILDINGS, -against- GREEN REALTORS LLC GC# 623513 Hearing Date: 05/13/2025 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
039524274H	Sustained	12/21/2023	25-16 37 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. appeared for the Respondent. Malka Amar, Esq., appeared for the Petitioner with Issuing Inspector N. Gambrell, #30983 ("IO").

The Respondent was charged with a class 2 violation of BC Chapter 33 for failing to obtain an access agreement with the adjacent property to install overhead/roof protection. The summons was issued at 25-16 37th Avenue in Queens on December 21, 2023.

On direct examination from the Petitioner's Counsel, the IO reiterated their findings contain in the violation details and

acknowledged that the supporting evidence (see PET EXH 1; images, complaint history, property profile overview). The Petitioner's Counsel moved to maintain the charge.

The Respondent's Counsel argued that BC § 3309.2 does not impose an affirmative obligation on any party to obtain an access agreement. The Respondent's Counsel further declared that Petitioner does not allege that any safety measure required to protect the adjoining property was lacking, which would have enabled it to charge a violation of BC § 3309.1 requiring the protection of property adjoining construction or demolition work. (see RESP EXH A, DOB v. Alba Services Inc., Appeal No. 2400759 (July 25, 2024)). .

The Petitioner's Counsel argued that BC § 3301.2 does not require proof of causation of an injury or an accident to establish a failure to safeguard and that chapter 33 "specifies that written notification that must be provided to adjoining property owners where a construction project will require access to adjoining property" (see PET EXH 2; DOB v. Triton Construction Co., Appeal No. 2400727, (August 29, 2024)). The Petitioner's Counsel moved to maintain the charge,

I find the summons establishes the charge and that the Respondent was in violation of on the date of issuance. The summons is hereby sustained, and the standard class 2 penalty will be applied accordingly.



06/02/2025

06/02/2025

Claude Charles, Hearing Officer

Date