



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: 039534122H et al. (1 Summons) DEPT OF BUILDINGS, -against- Mohammed Ahmed Hearing Date: 01/22/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$10,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039534122H	Sustained	11/01/2024	5614 3 AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1G5	BC 3301.13.7 thru BC 3301.13.13	Sustained	\$10,000.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq., appeared on behalf of the Respondent, Mohammed Ahmed.

Kim Manas, Esq., appeared on behalf of the Petitioner, the DOB.

The summons alleges a Class 1 violation of NYC Building Code 3301.13.7 thru 3301.13.13., construction superintendent failed to perform duties per code. Super failed to be present, designate competent person, or designate alternate super in absence, failed to correct all unsafe conditions, no daily inspections recorded for temp equipment, no special inspections for CFS.

Ms Dossett challenged service, stating that the issuing officer should have ascertained whether the Respondent was on the site prior to posting summons. Ms Dossett stated that the photographic evidence presented by the Petitioner demonstrates that the issuing officer gained access to the property, presumably with the assistance of the workers on site, yet the narrative in the affidavit of service states the following: "knocked on door, called out to workers but no answer"

Ms Manas said that officers in the normal course of business, inspect building sites and then return to their car to write the summonses. Upon completion, officers return to the building site to serve the summonses, and workers may be gone or don't admit the officers.

Ms Dossett stated that the narrative is unclear as to whether any workers are present on site and argues that "calling out" is not a reasonable attempt without a narrative that establishes that workers are not present on the site or that workers were on site and refused to accept service.

Ms Manas said that the absence of workers is implied by the statement that the officer knocked at the door. Further, Ms Manas notes that the summons was issued for the Respondent not being present on the site at the time of inspection.

I find that the clearest reading of the officer's statement is that he was unable to access the site after knocking on the door and calling out to workers and thus that service was not defective.

Ms Dossett challenged the class of the summons, arguing that the summons was issued in relation to a series of summonses issued to Sahara Contractor Corp. and that those summonses were not all class 1 summonses or have class challenges pending.

Ms Manas argued that the instant summons' designation as a Class 1 does not depend on the class of the summonses issued to Sahara Contractor Corp. Ms. Manas stated that there needs to be a supervisor present at all times in order to ensure compliance with the relevant building codes.

I find that the existence of the violating conditions referenced by the Respondent are evidence that a construction supervisor was necessary at the site and that the absence of said super may have caused the site to fall out of compliance with the law. I separately find that the absence of a construction superintendent on an active construction site with scaffolding is inherently immediately hazardous.

For these reasons I find that the designation of the violation as Class 1 was proper.

The summons is sustained.

Sean Gralton

01/28/2026

01/28/2026

Sean Gralton, Judicial Hearing Officer

Date