



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: 039540543R et al. (1 Summons) DEPT OF BUILDINGS, -against- GREEN HOUSE TOWN CORP Hearing Date: 07/29/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039540543R	Dismissed	05/21/2025	35-30 146 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	Misc. BC—Chapter 33	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons alleges that the respondent violated Misc. BC Chapter 33 by having inadequate overhead protection, a Class 2 violation, at 35-30 146th Street Queens on May 21, 2025. Phoebe Dossett, Esq., Nacmias Law Firm, appeared for the respondent Green House Town Corp.. Deanna Burbridge, Esq., appeared for the petitioner DOB.

The petitioner relied on the issuing officer's sworn statement in the summons. The issuing officer stated, observed makeshift overhead protection at 1st fl. EXP 1 and makeshift plywood fall protection at 2nd floor EXP#1 without any design drawings. Entry to SWS with no guardrails at leading edges ramps at EXP 1&2 created struck by and fall hazards for pedestrians and workers below SWS.

The respondent moved to dismiss the summons on the ground that it does not cite to a specific provision of law . When the summons cites to a miscellaneous provision of law, and the violation deals fail to cite to a specific provision, the summons is defective and must be dismissed.

The petitioner said nothing in response.

The respondent's motion is granted. I find the violation details fail to cite to a specific provision making the summons defective on its face. I find the summons fails to provide information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated. 48 RCNY 6-08(c)(3). Accordingly, the summons is dismissed.

	
07/29/2025	07/29/2025
Anthony Feldmesser, Hearing Officer	Date