



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# : 039107261L et al. (1 summonses) DEPT OF BUILDINGS, -against- Boulis Construction corp Hearing Date : 2/5/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039107261L	Dismissed	02/28/2024	45-45 46 STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B109	BC 3301.2 & 27-1009(a)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Petitioner, NYC DOB, appeared by Daniel Brickman. Respondent appeared by Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC.

This hearing was conducted via telephone on February 4, 2026.

The summons charges Respondent with a single count of Building Code 3301.2 (failure to safeguard) Scaffold fell and damaged a parked car.

On the last date, the matter was adjourned, "Petitioner's representative, Rafeena Khairullah, requested an adjournment for testimony from the issuing officer regarding service. Respondent's attorney, Phoebe Dossett, was present and consented to the request. I find that good cause has been shown. I find that the adjournment is necessary, granting the adjournment is not unfair to either party, granting the adjournment will not cause undue inconvenience. The need for full and fair consideration of the issues outweighs the need for expeditious adjudication of the issues. Adjournment granted, adjourned to February 5, 2026, at 8:30 am."

Previously, the case was adjourned, "Abe Sicker appeared on behalf of the Respondent as an authorized representative, waiving translation, counsel and the IO. Gurtej Sahni, Esq. appeared on behalf of the DOB and requested an adjournment for the Inspection (Daman Boccadoro Badge 0429) to appear. This matter is adjourned to Tuesday, February 4, 2025 at 8:30 a.m. The Respondent must call promptly at 8:30 a.m. as Inspector only appears the first 2 hours of the day."

Mr. Brickman states that the inspector is not with the agency but provided some of the inspector's photos. See, exhibit 1.

Respondent made a motion to dismiss. First, Respondent argued that the service document does not establish a reasonable attempt to locate a person from the Respondent entity who was authorized to accept service.

"Owner of company not present. scaffold contractor on site refused service. Kamlejit Singh. Posted on front entrance."

Respondent states that her client is the general contractor, had a permit. Respondent argued that the inspector's statement does not state how they determined if the owner was present, and, did not did not state that there was no authorized person present on behalf of the company. Respondent states that the scaffold contractor refused service and there is no connection between the scaffold contractor to the general contractor, no inquiry was made seeking another person authorized to accept service.

Respondent presented the following OATH appeals cases: Appeal No. 2000118 DOB v. Pratt Construction February 20,

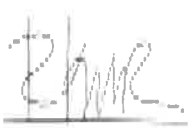
As to the permit, Respondent was a contractor doing façade work and they did not install the scaffold. There is a separate permit for the scaffold, held by Reliable Enterprises, Inc.

Respondent also argued that dismissal is proper because the violation details do not allege the specific failure to safeguard, referenced the Pratt Construction case.

I find that the affidavit of service does not establish a reasonable attempt, especially considering that the inspector did not detail their attempts before posting the violation at the front of the location.

As to the merits, the officer issued the violation to the wrong party, and it should have been issued to the contractor who installed the scaffolding that collapsed on the car below.

The violation is dismissed.

 02/05/2026	02/05/2026
Rebecca Kramer, Judicial Hearing Officer	Date