



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# : 039543420K et al. (1 summonses) DEPT OF BUILDINGS, -against- ZSN DEVELOPMENT INC Hearing Date : 4/17/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	5,000.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039543420K	Sustained	08/08/2025	436 BLAKE AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1P7	Misc. BC—Chapter 33	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & Conclusions of Law

Petitioner, the New York City Department of Buildings ("DOB"), charges Respondent, ZSN Development Inc., with a Class 1 violation of § 3307.6.5.4 of the New York City Building Code. The summons states that the Issuing Officer observed, at exposures 1 and 4, large amounts of building materials and parts of pipe scaffolding stored in various locations.

Both parties attended a telephonic hearing on Friday, April 17, 2026. Maria Dollas, Esq. appeared for Petitioner. The Issuing Officer, Noel Powell, badge # 3188, testified on Petitioner's behalf. Phoebe Dossett, Esq. appeared for Respondent. Both parties submitted documentary evidence.

Respondent sought dismissal or, in the alternative, a class amendment, as the Class 1 designation was not warranted.

Petitioner maintained that the Class 1 designation was proper. Mr. Powell testified, among other things, that storing materials on scaffolding poses a risk of collapse if they are not properly secured.

In response, Respondent argued that the scaffold was a heavy-duty, enclosed structure that could be used to store materials. Ms. Dossett asked whether Mr. Powell provided photographs depicting the alleged condition, and he responded that he could attempt to locate them if necessary.

In reply, Petitioner maintained that the summons should be sustained because the materials stored on the scaffold were not secured in a manner sufficient to prevent dislodgement or displacement by wind. Respondent countered that the Issuing Officer's testimony focused on collapse risk, and that, given the scaffold's heavy-duty and enclosed nature, there was no risk of items falling.

I credit the summons details and Petitioner's evidence. Petitioner established a prima facie case. I also credit Respondent's documentary evidence. However, I am not persuaded by Respondent's arguments for dismissal or class reduction. Respondent did not provide direct or corroborating evidence to rebut the Issuing Officer's observation that the materials were not properly secured to prevent dislodgement or displacement by wind. As such, Respondent failed to refute the allegation or establish a defense.

Accordingly, the summons is sustained, and a standard civil penalty of \$5,000 for the Class 1 violation is imposed.



04/17/2026

04/17/2026

Geoffrey Luan, Hearing Officer

Date