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:** 035591938X et al. (1 Summons) DEPT OF BUILDINGS, -against- THUAN TAM, REALTY CORP. **Hearing Date:** 10/01/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$6,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035591938X	Sustained	10/12/2021	53 CHRYSTIE STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B103	AC 28-118.3.2	Sustained	$6,250.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Cassie Rene Esq. and issuing offcier, Insp. Giovanni Citera, Badge # 3281. Respondent, THUAN TAM, REALTY CORP., appeared by its attorney, Phoebe Dossett Esq. to answer a charge of Respondent occupying premises contrary to that allowed by the Certificate of Occupancy or DOB records. The violation is charged as a Recurring Condition Aggravated I with prior summons 035586695Y. The first hearing date was Januaery 13, 2022.

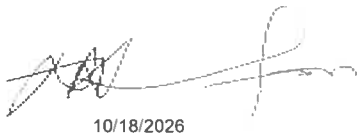
Ms. Rene relied on the allegations in the summons as well as pictures in support of the allegations, a copy of the Certificate of Occupancy of the cited premises, and a copy of NYC DOB OATH/ECB Violation Detail screen (see Pet. Exhs. A, B, C & D).

Ms. Rene also questioned Insp. Citera who reiterated the allegation in the summons.

Ms. Dossett challenged the violation being charged as a class 1 stating that there were at least two (2) means of egress from the cellar area in question and presented pictures (see Resp. Exh A). Ms. Dossett also stated that even though Respondent did not complete the legalization of the cited premises to convert the cellar area into a dance studio, NYC DOB approved the plan exam and application on May 21, 2019, and presented the NYC DOB Application Details in support of her argument (see Resp. Exh. B). Ms. Dossett stated that if the instant violation was immediately hazardous and a class 1 DOB would not have approved such application. Ms. Dossett further stated that the number of people present on the day in question was approximately 10 people which is less that the number of 30 people for the cellar as stated in the Certificate of Occupany. Ms Dosset moved to dismiss the summons stating that class is an element of the charge and that Petitioner has failed to establish that the violation meets the requirement of a class 1.

Ms. Rene and Insp. Citera maintained that the violation is properly charged as a class 1 stating that the pictures presented by Respondent which shows two exits were taken about 4 years after the summons was issued, and that such exits are neither illuminated nor clear as to where such exits lead to. Insp. Citera stated that he issued the summons as a class 1 mainly due to emergency service hazard/, the number of people in the cellar at the time, a fire hazard/public safety hazard issues.

I credit the allegations in the summons as well as the evidence and testimonies presented by Ms. Rene and Insp. Citera. While I credit the pictures presented by Ms. Dossett, I find that such pictures of correction were taken years after the issuance of the summons and does not reflect what the area looked like on the date of offense. I also find that such exits lacked illumination as required. I therefore find the the charge is porperly charged as a class 1. I further find that Respondent neither rebutted the charge nor established a valid defense to the violation. I find that Respondent occupied the cited premises contrary to that allowed by the Certificate of Occupancy or DOB records as alleged in the summons. Accordingly, the summons is SUSTAINED and the class 1 Agg. I penalty is imposed.



10/18/2026

10/18/2026

Akinwale Akinrefon, Judicial Hearing Officer | Date