



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# : 035681492J et al. (2 summonses) DEPT OF BUILDINGS, -against- P 107-48 QUEENS BLVD HOLDING COR Hearing Date : 6/18/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	3,125.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035681490X	Dismissed	10/01/2024	107-50 Queens BLVD., Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B247	ZR 32-00	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035681492J	Sustained	10/01/2024	107-50 Queens BLVD., Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B127	BC1020 .2,1023.2,1024.4	Sustained	3,125.00

Total Penalty for Summons: 3,125.00

Findings of Facts & Conclusions of Law

The respondent 107-48 Queens Blvd. Holding Corp. was issued two summonses.

Attorney Phoebe Dossett appeared for the respondent.

Joseph Casciano appeared for the Petitioner, DOB.

The respondent stipulated that the two summonses are recurring aggravated 1 charges.

Summons # 035681492J was issued for a violation of section 27-369, BC 1020.1 (2001 code), BC 1023.2 (2014 code), BC 1024.2 (2022 code); Failure to provide unobstructed exit passageway. Noted: At 2nd floor, rear secondary means of egress with illuminated exit sign has been obstructed with table, chairs, garbage can, boxes another miscellaneous material creating hazard condition in case of emergency. This is a recurring condition- aggravated 1 per 1 RCNY 102-02(f).

The respondent denied the charge and did not offer a rebuttal.

The summons is credited.

Since the respondent denied the charge and did not offer a rebuttal, the summons is sustained and an aggravated 1 charge in the amount of \$3,125.00 is imposed.

Summons # 035681490X was issued for a violation of section ZR 32-00; illegal use in a commercial unlicensed physical treatment establishment, a prohibited use per ZR-12-00. Operating in a C4-5R district on second floor as "M Beauty Spa". Noted: An individual offer full a body massage at rate of \$45/H operate by masseuse without NYS license as health care professional or under the supervision of a NYS licensed health care professional. Business equipped with 8 massage rooms, oils and towels. This is a recurring condition- aggravated 1 per 1 RCNY 102-02(f).

The respondent stated that the instant summons is duplicative of summons # 035681491H, wherein the violation states, "OCCUPANCY CONTRARY TO THAT ALLOWED BY THE DEPT OF BUILDING RECORDS. ILLEGAL OCCUPANCY NOTED: AT 2ND FLOOR HAS BEEN CONVERTED/OCCUPIED AS MASSAGE PARLOR 'M BEAUTY SPA' WITH 8 MASSAGE ROOMS, BREAK ROOM WITH COOKING EQUIPMENT ALSO LAUNDRY AREA, OILS WITH TOWELS." This summons was issued on the same date as the instant summons. The respondent stated that summons # 91H was sustained and submitted the disposition. See Respondent's Exhibit A.

The respondent argued that the instant case is duplicative of summons # 91H because both summonses arose out of an act of the same violative condition, which is an unlicensed physical treatment establishment.

The respondent submitted case law, DOB v. 1 Fashion Management Corp., Appeal No 2500296, (April 4, 2025). The respondent was charged with section 32-00 of the NYC Zoning Resolution for illegal use in a commercial district and 28-118.3.2 of the Administrative Code for occupancy contrary to that allowed by DOB records. The Board found that, "Respondent violated ZR § 32-00 by operating an unlicensed physical treatment establishment, a use prohibited by ZR § 12-10 in all zoning districts, including the C5-5 commercial district where the premises is located." The Board stated, "ZR § 12-10 prohibits unlicensed physical treatment establishments in any zoning district. Thus, the change in use from offices to an unlicensed physical treatment establishment changed the zoning use group in a manner contrary to that allowed by the certificate of occupancy in violation of Code § 28-118.3.2. The Board finds, however, that the Code § 28-118.3.2 violation is duplicative of the ZR § 32-00 violation because both are based on occupancy of the third floor as an unlicensed physical treatment establishment, a use prohibited in any district by ZR § 12-10.6." Consequently, the Board dismissed the summons issued for occupancy contrary.

The Petitioner stood by the summons.

The testimony and evidence submitted by the respondent are credited.

I find that the instant summons and the summons ending in 91H are duplicative. Both charges are based on the same unauthorized use of the premises, an unlicensed physical treatment establishment. Summons # 91H was sustained; therefore, since the summonses are deemed duplicative, the instant summons must be dismissed.

Accordingly, the summons is dismissed.

 06/19/2026	06/19/2026
Michelle Mason, Hearing Officer	Date