



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: 035681491H et al. (1 Summons) DEPT OF BUILDINGS, -against- P 107-48 QUEENS BLVD HOLDING COR Hearing Date: 06/01/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$3,125.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035681491H	Sustained	10/01/2024	107-50 QUEENS BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B203	AC 28-118.3.2	Sustained	\$3,125.00

Findings of Fact & Conclusions of Law

The summons alleges the respondent violated NYC Administrative Code 28-118.3.2 by having occupancy contrary to that allowed by the Dept of Buildings records, a Class 2 violation, at 107-50 Queens Boulevard Queens on October 1, 2024. Phoebe Dossett, Esq., Nacmias Law Firm, PLLC, appeared for the respondent 107-48 Queens Blvd. Holding Corp.. Deanna Lamberti, Esq., appeared for the petitioner DOB.

The petitioner relied on the issuing officer's sworn statement in the summons. The issuing officer stated illegal occupancy noted: at 2nd floor, has been converted/occupied as massage parlor "Beauty Spa" with 8 massage rooms, break room with cooking equipment, also laundry area, oils and towels. Previous ECB Violation #35666534N.

The petitioner provided 43 photos of the conditions described (Pet. Exh). Included with petitioner's photos was photos of other summonses issued in conjunction with this one (Pet. Exh).

The respondent did not challenge the prior violation.

The respondent moved to dismiss the summons on the ground it is duplicative of summons #335681490X, issued at the same time and at the same location as this summons. That summons alleges the respondent violated ZR 32-00 and ZR 12-10; it was pending and scheduled to be heard on a later date (June 18, 2026). The respondent argued that both summonses rely on the same set of facts by referring to an unlicensed massage establishment. The respondent argued that when there is an occupancy contrary charge and a zoning charge based on the same set of facts, the occupancy contrary charge must be dismissed. See, *DOB v. Lorbern Realty Corp.*, Appeal No. 2401042, October 31, 2024 (violation under 28-118.3.2 and ZR-12 found to be duplicative when the occupancy contrary charge is based on the zoning charge, where occupancy contrary has not otherwise been found).

The respondent denied the charge without a rebuttal.

The petitioner argued that there are two separate standards of proof for the charge in this summons (occupancy contrary) and the other summons for violating zoning rules. Further, the respondent was occupying the premises contrary to petitioner's records. Unlicensed massage parlors are prohibited in all zoning districts.

I credit the issuing officer's sworn statement in the summons. I credit the petitioner's photographic and documentary evidence. I find the respondent occupied the premises contrary to that allowed by the Dept of Buildings records. I find that this is a Recurring Condition Aggravated 1 violation. The respondent provided no testimony or other evidence to refute this claim. Regarding Appeal No. 2401042, *supra*, the Appeals Board relied in part on the fact that the petitioner there failed to prove a Code 28-118.3.2 violation, i.e. a change in occupancy inconsistent with DOB records. Here the respondent provided no testimony or other evidence to refute that claim. In any event, the summons alleged to be duplicative (#335681490X) has not been decided, and the claims in it have not been heard. Accordingly, I find the petitioner proved its Class 1, Recurring Condition-Aggravated I charge by a preponderance of the evidence. I find the respondent is in violation. I impose the standard penalty for a Class 1, Recurring Condition-Aggravated I offense.



06/12/2026

06/12/2026

Anthony Feldmesser, Judicial Hearing Officer

Date