



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: 035691074X et al. (1 Summons) DEPT OF BUILDINGS, -against- 1 COOPER ST. GROUP LLC Hearing Date: 06/24/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035691074X	Sustained	10/02/2025	35 Cooper St Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2F3	BC 28-210.3	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. appeared on behalf of Respondent Cooper St. Group LLC.

Henrietta Asiedu Baidoo, Esq. and I/O Azon, Badge no. 3396 appeared on behalf of Petitioner, Dept. of Buildings.

Petitioner charges AC 28-210.3. Class 2. Petitioner alleges permanent dwelling used/converted for other than permanent residential purposes. Petitioner alleges DOB records state building is legally approved as a Class A multiple dwelling. Now Apt. No. 3, 3rd floor has been converted to transient use having 3 guests staying for less than 30 days booked through AirBnB

without the host being present.

Ms. Baidoo produced a Certificate of Occupancy showing 3 units, one on each floor, HPD Summary showing a 3 family house with 3 class A units and NYC Dept. of Finance records to show ownership information, photographs, respondent's Air BnB listing showing multiple rooms for rent and 2 sample bookings in support.

I/O Azon testifies when he arrived at the premises in response to a 311 complaint, a person located at an upstairs window who states her name was Chris refused to come down and open the door but stated she was occupying the 3rd floor unit for 2 weeks from 10/2/25 – 10/13/25. The host was not present occupying the property with them. She states she paid through AirBnB but refused to give him her confirmation. He did not gain physical access to the 3rd floor apartment. At that time, I/O Azon accessed the tenant's AirBnB booking listing page for the property which showed multiple rooms for rent and made 2 sample bookings.

Ms. Dossett states respondent denies the allegation. She moves to dismiss on the grounds that the named respondent had no knowledge that transient use was occurring at the premises. She produced complaints dated 5/16/17 and 10/2/25 and a violation search to show this summons was the first allegation of transient use. She states after receipt of the summons, respondent issued the tenant an Early Termination Notice for the tenant to leave the property since transient use of the apartment was a breach of the lease agreement. She cites Appeal no. 2501155, DOB v. 699 Rutland LLC, 11/20/25 which cites on JNPJ Tenth Ave., LLC v. DOB, NY Slip Op. 09390 (App. Div. 1st Dept. 2019) in support. A Certificate of Correction was accepted on 11/3/25. Correction was made before the first hearing date therefore mitigation will be applied.

In response, Ms. Baidoo distinguishes Appeal No. 2501153 arguing respondent has access to DOB BIZ and had ample opportunity to acquire knowledge about the illegal transient use of the apartment through the exercise of reasonable diligence. Appeal no. 2000019, DOB v DKEGG Holdings, LLC, 2/6/20, Appeal No. 2001369 and 2001456, DOB v. Kinthall & Co., Inc. Further, she states the tenant's AirBnB profile states he/she has been hosting for 1 year and has amassed a 4.7 rating and 35 reviews as such the transient occupancy had been ongoing for some time before the issuance of the violation. She argues had respondent made sufficient efforts it would have known the property was being used for short term rentals. Further, she states respondent should have been alerted by a lock box outside the premises which gives instructions as to how to enter the premises.

I do not credit respondent's evidence and find it fails to establish a valid defense. I find respondent's tenant continued the illegal occupancy for at least 1 year prior to the issuance of the summons and find respondent had the "opportunity through reasonable due diligence to acquire knowledge of the tenant's occupancy" with short term rentals. Appeal No. 2000019. I find respondent is ultimately responsible for maintaining the property in a code compliant manner, even if it was the tenant who caused the violating conditions. As such, I credit petitioner's evidence showing respondent illegally occupied the 3rd floor apartment for transient use and find respondent in violation.

Accordingly, this summons is sustained and a standard mitigated penalty of \$1,250.00 is imposed.

Deborah Mbabazi

07/02/2026

07/02/2026

Deborah Mbabazi, Judicial Hearing Officer

Date