



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: 039145323P et al. (1 Summons) DEPT OF BUILDINGS, -against- 46 THIRD LLC LLC Hearing Date: 06/01/2026 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
039145323P	Sustained	04/18/2025	46 THIRD AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2L1	28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

The summons alleges the respondent violated NYC Administrative Code 28-105.1 by doing work without a permit, a Class 2 violation, at 46 Third Avenue Brooklyn on April 18, 2025. Phoebe Dossett, Esq., Nacmias Law Firm, PLLC, appeared for the respondent 46 Third LLC. Deanna Lamberti, Esq., appeared for the petitioner DOB.

The petitioner relied on the issuing officer's sworn statement in the summons. The issuing officer noted: temp. construction fence erected around property, no permit on file. Fence is 100% complete. The petitioner provided 13 photos of the condition described (Pet. Exh). The petitioner also provided a BUILD: Job Filings screenshot for the property with separate job filings for it and lots adjacent to it (Pet. Exh).

The respondent moved to dismiss the summons on the ground that there was a permit for the fence. The respondent said that there had been a merger of a number of lots, including the lot cited in the summons and 518 Atlantic Avenue. There is one contiguous fence. The fence permit was associated with another address, 518 Atlantic Avenue. The respondent provided the permit for the construction fence at 518 Atlantic Avenue (Resp. Exh). The respondent provided the application for the merger of the lots, and Application for Street Numbers, from August 2024 (Resp. Exh). Finally, the respondent provided a NYC Department of Buildings Property Profile Overview showing a number of lots merged, including 46 Third Avenue and 518 Atlantic Avenue (Resp. Exh). When questioned, the respondent said the lot merger was not approved before the summons was issued.

The petitioner said that the permit should have been issued to the address indicated in the summons.

I credit the issuing officer's sworn statement in the summons. I do not credit the respondent's documentary evidence. I find the respondent erected a construction fence at the cited property without a proper permit as described. The respondent failed to provide evidence of the actual merging of the lots described; only an application to merge them was submitted. The permit submitted lists an address different from the address eventually assigned to the merged lots. Accordingly, I find the petitioner proved its Class 2 charge by a preponderance of the evidence. I find the respondent is in violation. I impose the standard penalty.

EVIDENCE IS UPLOADED TO M DRIVE



06/12/2026

06/12/2026

Anthony Feldmesser, Judicial Hearing Officer

Date