

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039160518K	Dismissed	09/16/2025	68-38GAR MANSE STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Phoebe Dossett, Esq. appeared via Court Call on 06/02/26. Richard Mayer, Esq. appeared on behalf of DOB. IO G. Lazaro, Badge 3700, present.

Summonses 039160517Z and 039160518K were issued to Jessica Spinosa.

IO Lazaro testifies that he inspected the location as a result of a complaint. IO Lazaro did not gain access to the garage but saw the structure through the adjacent property. The inspector further noted that he attempted to serve the respondent but she did not answer the door although she was present.

Inspector Lazaro notes that Zola maps present a one-story garage with a roll up door. Presently, the garage is 2-story with windows and doors. Inspector Lazaro states that he issued the violations as a class 1 since the structure is high and affects the adjacent property.

Summons #039160517Z was issued in violation of §28-118.3.2.

Ms. Dossett makes a motion to dismiss as a valid certificate of occupancy relating to the garage was not presented by Petitioner. Ms. Dossett further notes that the garage was not a living space and presents photos of a portion of the garage. Ms. Dossett states that respondent stored bikes and tools in the garage. Doors and windows do not render the structure a livable space. Furthermore, Ms. Dossett states that the violation did not rise to a class 1.

Mr. Mayer stands by the violation.

This summons is dismissed as no valid certificate of occupancy for the garage was provided by Petitioner.

Summons # 039160518K was issued in violation of §28-105.1.

Ms. Dossett makes a motion to dismiss as no certificate of occupancy was provided by Petitioner. Ms. Dossett further notes that this violation does not rise to a class 1 per the details on the summons. The summons only notes that the garage door was removed and replaced with a patio door and windows.

The classification of the violation is an element of the charge which Petitioner bears the burden to prove when challenged at the hearing. NYC v. Beit Ohr, Appeal No. 0900009 (July 14, 2009).

Although I agree that there was work without a permit for the garage structure as the Zola maps indicated a one-story garage. However, I do not believe Petitioner established a Class 1 designation of the violation as an immediately hazardous condition. Based on the facts and law, this summons is dismissed.