



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: 035682253R et al. (1 Summons) DEPT OF BUILDINGS, -against- VILLAGE MALL AT HILLCREST Hearing Date: 10/20/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035682253R	Dismissed	03/08/2024	150-38 UNION TURNPIKE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1E4	28-302.5	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq., appeared as the attorney for the respondent, Village Mall at Hillcrest, owner of the property at 150-38 Union Turnpike, Queens, and waived the appearance of the issuing officer. Daniel Brickman, Esq., appeared as the attorney for the petitioner, the Department of Buildings.

The summons alleges a failure to take required measures to secure public safety – unsafe façade. At time of inspection, inadequate safety measures observed at Exposures 3 and 4, east and west elevations.

The respondent is charged with Administrative Code 28-302.5, which states, "Upon the notification to the department of an

unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code."

Petitioner's attorney stated that the summons was based on an unsafe façade filing. On 2/24, there was an unsafe façade filing. He submitted the façade filing that was done.

Respondent's attorney stated that the issue is that there was a sidewalk shed in place. The violation details allege inadequate safety measures, but there is no notice as to what was not in place or what further safety measures were required. Their issue is that no notice was provided.

Petitioner's attorney noted that they were in the process of installing a sidewalk shed.

Respondent's attorney confirmed that a sidewalk shed was in place. The only reason that a correction was not submitted was that with a sidewalk shed in place, just stating that the measures were inadequate was not enough to notify them as to how to correct it. She submitted a sidewalk shed permit. It was already in place before the summons was issued and it was still in place in the courtyard area. She also submitted the sidewalk shed history. It was amended to keep it in place until 4/3/25 when a letter of completion was issued. She also submitted photos taken by her client, as well as the plans for the façade repair that was dated before the summons was issued, which indicates that a sidewalk shed was in place.

Petitioner's attorney provided nothing further.

Respondent's attorney's statements and evidence are persuasive and provide a meritorious defense. I find that the factual allegations do not establish a prima facie case by describing the inadequate safety measures. Accordingly, the summons is dismissed and no penalty is due.

Grace Chen

11/10/2025

11/10/2025

Grace Chen, Judicial Hearing Officer

Date