



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# : 039129908K et al. (1 summonses) DEPT OF BUILDINGS, -against- JIN DONG WANG Hearing Date : 1/6/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039129908K	Dismissed	11/09/2024	40-28 193 STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B303	28-118.3.2	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

This telephone hearing was held on January 6, 2026. Petitioner, NYCDOB, appeared by Laura Slavin, Esq. Respondent, Jin Dong Wang, appeared by Phoebe Dossett, Esq.

This summons alleges a Class 3 violation of NYC Administrative Code §28-118.3.2 2 (Changes inconsistent with existing certificate of occupancy). The summons states that at the time of inspection, the Issuing Officer (IO) observed (2) vehicles parked at exposure 1 yard contrary to department records allowing for 1 garage and 1 OSP. RCA was issued on 8/24/2024 by Inspector Badge #3226; not corrected. Respondent was directed to discontinue illegal occupancy or amend C of O. The first hearing was scheduled for 1/14/2025.

Ms. Slavin relied on the affirmed statements of the IO in the summons and she submitted the DOB Property Profile Overview (P-1).

Ms. Dossett made an application to dismiss the summons arguing that the Respondent is being charged with violating the C of O, but there is no C of O for this building that dictated any parking parameters.

Ms. Slavin acknowledged that the Petitioner did not have a C of O for this building, but she argued that this violation is based on the RCA that was issued on 8/24/2024 and she submitted a copy of the RCA (P-2) and the Overview for Complaint (P-3). The RCA was issued for "(2) VEHICLE PARKED AT EXP 1 YARD CONTRARY TO DEPARTMENT RECORDS ALLOWING FOR (1) GARAGE AND (1)OSP."

Ms. Dossett argued that Petitioner did not show that Respondent had violated any C of O or other DOB records. She also stated that the Respondent had corrected this violation prior to the first hearing date, and she submitted a photo taken by Respondent to support Respondent's request for a mitigated penalty (R-A).

Ms. Slavin recommended a mitigated penalty.

NYC Administrative Code § 28-118.3.2 states that "No change shall be made to a building, open lot or portion thereof inconsistent with the last issued certificate of occupancy or, where applicable, inconsistent with the last issued certificate of completion for such building or open lot or which would bring it under some special provision of this code or other applicable laws or rules, unless and until the commissioner has issued a new or amended certificate of occupancy."

Respondent's application to dismiss is granted. I find that Petitioner failed to provide a C of O or any other records documenting the permitted parking at the premises. I do not credit Petitioner's argument that the existence of the RCA was sufficient to establish the basis for this violation. Therefore, this violation is dismissed.



01/06/2026

01/06/2026

Barbara Halper, Judicial Hearing Officer

Date