



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: 039102040P et al. (1 Summons) DEPT OF BUILDINGS, -against- NYC BUILDERS & RENOVATION Hearing Date: 12/09/2024 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
039102040P	Dismissed	12/21/2023	13 SCHOLES STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1N2	28-120.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A telephonic hearing was held on December 09, 2024.

Respondent was charged with a class 1 violation of Administrative Code section 28-120.1 in that Respondent failed to "file a required TPP under job# B00448277-11-GC.

Petitioner was represented Deanna Lamberti, Esq., relied on the summons.

Respondent was represented by Phoebe Dossett, Esq. who denied the violation and stated that the building was vacant since

2017 and sometime is December 2023, an illegal occupant went into the building, changed the locks, and refused to leave the premises. Respondent had to start a legal proceeding to remove the occupants. See, evidence of Petition.

The relevant law, A.C. section 28-120.1, states, in part, "A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department."

Here, I credit the summons and find that the same is sufficient to established the charged violation. However, I am persuaded by Respondent's representative's arguments and credit the evidence and find that the same is sufficient to establish a defense to the charged violation. Accordingly, the summons is DISMISSED.



12/23/2024

12/23/2024

Simone Archer, Hearing Officer

Date