



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: 039135177R et al. (1 Summons) DEPT OF BUILDINGS, -against- SCHLESINGER, SAMUEL Hearing Date: 09/08/2025 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
039135177R	Dismissed	01/10/2025	1718 63 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B112	28-207.2.2	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The respondent was represented by Phoebe Dossett, Esq. and the petitioner was represented by Henrietta Baidoo, Esq. The summons alleges that the named respondent violated a Stop Work Order issued in connection with the construction of a rear extension to a building without a permit. The petitioner presented the testimony of the issuing inspector along with documentation to support the charged violation.

The petitioner's documentation included the original summons issued on June 21, 2023, along with the partial Stop Work Order. It was noted that the order was solely for the failure to obtain a permit to build an extension to the rear of the premises and was issued to a party other than the present named respondent. The petitioner noted that the Order had been partially

rescinded on July 24, 2023, to allow for the removal of the unpermitted extension. However, the Order was never formally lifted. The issuing inspector apparently went to the premises to lift the order but observed that the extension appeared to have been completed and was in use. Photographic evidence was presented to confirm that the extension was being used as living quarters and this resulted in the issuance of this summons.

The respondent has argued that the named respondent was not aware of the Stop Work Order as he was not in possession of the property at the time of its issuance. Both the summons for the work having been done without a permit and the Stop Work Order were issued to a prior owner of the property, Tovy Schwartz. The present owner of the property, Mr. Schlesinger, purchased the property a year later from a third party. The petitioner has noted that the summons issued to Mr. Schwartz for the unpermitted work was sustained. A review of the history of that summons (#035656210H) confirms that it was sustained at hearing.

The petitioner has argued that the respondent in this case had constructive knowledge of the Stop Work Order because it still shows on the Department BIS Website as being in effect. However, the respondent argues that the Appeals Decision in **DOB v. Roth Samuel, Appeal No. 2301230**, issued November 30, 2023, is binding on the present facts. In that case, the Appeals Division found that there was insufficient evidence to establish the respondent's knowledge of the Stop Work Order stating "the Board finds that a complaint record, by itself, is inadequate to prove Respondent's knowledge of the stop work order. See *DOB v. Pro Plumbing and HTG Inc.*, Appeal No. 1901266 (November 21, 2019); *445 St Lawrence Avenue*, 2000289. Consequently, the Board finds that Petitioner failed to establish that Respondent had knowledge or notice of the stop work order." The petitioner argues that the Stop Work Order had been posted on the front door of the cited premises. However, there is no evidence in the record to confirm that the Stop Work Order remained posted on that door or some other conspicuous location after the date of its issuance on June 21, 2023. The next time that the door where the order was posted is seen was on the date of the issuance of the present summons, and the order is not there. The record does not indicate when the Stop Work Order was removed prior to the date of the present inspection on January 10, 2025, approximately 18 months after its issuance. Therefore, the only indication of the existence of the order would have been the complaint record as noted on the Department of Buildings website. As this is the same situation as that found in **DOB v. Roth Samuel**, I find that the petitioner failed to prove that the petitioner had knowledge, whether actual or constructive of the Stop Work Order and the summons is hereby dismissed.



09/09/2025

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Patricia Cardoso, Hearing Officer

Date