



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 035668816K et al. (1 Summons) DEPT OF BUILDINGS, -against- 222 BRICKS LLC Hearing Date: 12/10/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$15,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035668816K	Sustained	03/31/2023	690 Jefferson Ave. Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1E8	28-210 .1	Sustained	\$15,000.00
2	B172	28-202 .1	Sustained	\$0.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on December 12, 2024.

Respondent 222 BRICKS LLC was represented by Phoebe Dossett.

Rafeena Khairullah appeared on behalf of petitioner DOB.

Inspector G. Portelli, #3042, also appeared and testified on behalf of the petitioner.

The summons charges:

Line Item 1 28-210 .1

Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector.

Inspector testified he went to the location and spoke to a long term tenant in the inspected unit and witnessed the location with 4 named bedrooms, each with room signage and key lock devices. There were 5 bedrooms total in one apartment – 1 was for the long term tenant – and the other 4 rooms were each a transient room. This summons applies to one transient room named “Sunny.”

Respondent states that they have reviewed the affidavit of service and do not challenge service.

Respondent testified that they do not dispute the Line Item 1 violation.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent. I also find that the respondent has not established a valid defense.

Line Item 1 is sustained and a \$15000 penalty is imposed.

Line Item 2 28-202 .1

Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector.

As stated above, respondent stated that they do not dispute the Line Item 1 violation but are seeking tolling of the Line Item 2 daily penalties. – from day after the summons was issued.

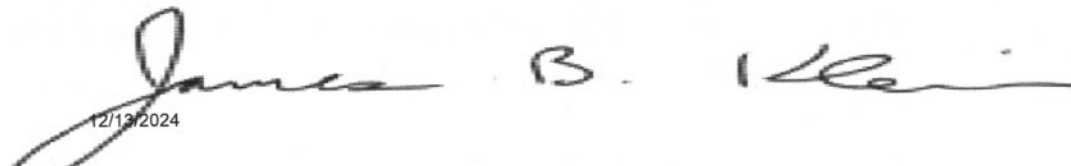
Respondent testified that correction has been completed; 1) the conditions themselves were physically corrected April 1, 2023; 2) correction packages were submitted to the DOB, and 3) a Certificate of Correction was issued DOB on May 9, 2023. Respondent argues that since the conditions themselves were corrected on April 1, 2023, which was one day after the serving of the summons, there should be no daily penalties imposed. Respondent submitted the photos and AEU 20 forms it submitted to DOB in order to obtain the certificate of correction.

Petitioner argues that daily penalties should be imposed from April 1, 2023 to May 9, 2023 when the certificate of correction was issued. Petitioner states the photos submitted by the respondent do not show the interior of the room. Petitioner also argued that the transient use continued as evidenced by other summonses issued after May 9, 2023.

Respondent argues that photos of interior of the room is not needed and that DOB accepted correction based on these same photos and AEU20s submitted at the hearing.

I credit that the petitioner did not dispute that correction was issued by the DOB on May 9, 2023 and that the correction was based on information provided by the respondent, photos and sworn statements, stating the corrections themselves took place on April 1, 2024. As the DOB accepted the evidence that the correction took place on April 1, 2023, I also find that the correction took place on April 1, 2023. Accordingly, the imposition of daily penalties was tolled on April 1, 2023, the day after the serving of the summons, and no penalties accrued.

Line Item 2 is sustained and a penalty of \$0 is imposed (\$1000 x 0 day).

 12/13/2024	12/13/2024
James Klein, Hearing Officer	Date