



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# : 039137919X et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

547 HUDSON LLC

Hearing Date : 12/8/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 3,750.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039137919X	Sustained	02/07/2025	547 HUDSON STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B282	28-105.12.2	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039137920N	Sustained	02/07/2025	547 HUDSON STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B139	28-301.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

Findings of Facts & Conclusions of Law

Respondent, 547 Hudson LLC, is the general contractor for the property located at 458 St. Marks Avenue, Brooklyn, New York. On February 7, 2025, at 2:40 4.m., the Issuing Officer (I.O.) inspected the property located at 547 Hudson Street, New York, New York, and issued Respondent the following summonses:

1. Summons No. 039137919X was issued to Respondent for violating Section 28-105.12.2 of the New York City Administrative Code, a Class 2 violation, for work does not conform to approved documents. The I.O. observed at the time of inspection 9 tables, 11 chairs and 2 benches in the basement creating a dining area. Additionally, a gas stove, deep fryer, and fire suppression system was moved to location of proposed refrigerator; RR door has been moved and now opens towards kitchen, and laundry has been removed. The approved plans indicated basement area with food prep area, restroom, boiler and laundry room.

Section 28-105.12.2 of the Administrative Code states that "[a]ll work shall conform to the approved construction and submittal documents, and any approved amendments thereto. Changes and revisions during the course of construction shall conform to the amendment requirements of this code."

2. Summons No. 039137920N was issued to Respondent for violating Section 28-301.1 of the New York City Administrative Code, a Class 1 violation, for failure to maintain the building in a code compliant manner. The I.O. observed the firestopping has been removed throughout the basement ceiling dining area exposing wood joists. The plans indicate entire ceiling 2hr fire rated.

The Code states that "all buildings and all parts thereof and all other structures shall be maintained in a safe condition. All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition...The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter."

At the hearing, Kimberly Manas, Esq. appeared for the Petitioner, NYC Department of Buildings (DOB). Phoebe Dossett, Esq., represented the Respondent, 547 Hudson LLC. This matter had been previously adjourned for the testimony of the Issuing Officer. Inspector Samuel Oladipo (#3655) testified at the hearing.

As to summonses 039137919X and 039137920N, Petitioner relied upon the I.O.'s sworn statement contained in the summons and submitted as evidence in support a copy of the summons, Affirmation of Service, and photos of the exterior and interior of the premises taken at the time of inspection (Exhibit 1 saved under summons 039137919X). Next, Inspector Oladipo testified as to service that he knocked on the door, called out "DOB," waited several minutes still no response so he posted on the door. Inspector Oladipo explained that after the inspection he went to the office at 280 Broadway and then returned to the premises 3 days later on 2/11/25. Ms. Dossett then question Inspector Oladipo as to why he served 3 days later and he stated that he needed to review the pans before writing the summons. Ms. Dossett also asked why the inspector went to serve the summons on a restaurant at 9 am when they were not open for business yet and he responded that it was his first stop since close to his office at 280 Broadway. As to the merits, Ms. Dossett stated that Respondent will deny the violation and offered no rebuttal evidence or defense.

As to summons 039137920N, Petitioner relied upon the I.O.'s sworn statement contained in the summons and had the I.O. testify as to class. Inspector Oladipo stated that no fire suppression system was installed in this basement dining area. There was no fire stopping in area of exposed wood joist (pg. 23); can see more of the exposed wood joist on the ceiling (pg. 24); and restroom pic shows part of ceiling exposed in the corner.

Ms. Dossett stated that Respondent was making a class challenge and asked if Inspector Oladipo observed a fire suppression system in place since in 19X the I.O. stated it was in the kitchen area, not dining area. As evidence in support that this violation does not rise to a Class 1 Immediately Hazardous condition, Respondent submitted the job sign off from 2013 for the fire suppression system (Respondent's Exhibit A saved under summons 039137920N). Ms. Dossett stated that the fire suppression system was legally installed and active in kitchen where the cooking occurs. The only area without it, no active fire suppression system was in the cellar. Additionally, the 3-day delay in issuing the summons negates that this was an immediately hazardous condition.

Ms. Manas responded to the class challenge argument and stated that class is premised on the severity of the risk, not how

soon the risk would occur. This violation is properly designated as a Class 1 because extensive portions of the ceiling in the cellar has no fire stopping (pgs. 38 and 39). Ms. Manas also stated that the fire suppression system is in the kitchen, will not help a fire in the cellar. Almost the entirety of the cellar ceiling there is nothing to suppress it, no fire suppression system in cellar. This poses a risk of injury and to life, especially since a dining area is meant to be occupied by people.

I credit the testimony and evidence submitted by the parties in this matter. I hereby deny Respondent's service challenge and find that service of both summonses was proper. The Issuing Officer explained the reasoning for not serving the summons on the of the inspection and when he returned the premises was not yet open. As to the merits of summons 039137919X, I find that Petitioner established the violation of the cited Code and Respondent did not offer any rebuttal evidence or defense. As to summons 039137920N, I find that Petitioner established the violation of the cited Code. As to Respondent's class challenge, I find that this violation was properly designated as a Class 1, immediately hazardous condition. A Class 1 condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action. The fire stopping was removed from the ceiling of the basement dining area which poses a severe risk to the safety of patrons of the restaurant sitting in the basement dining area.

Accordingly, summons numbers 039137919X and 039137920N are Sustained.

 12/08/2025	12/08/2025
Eva Marie Russo-Lane, Judicial Hearing Officer	Date



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Decision

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