



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# : 039142586N et al. (3 summonses) DEPT OF BUILDINGS, -against- 547 HUDSON LLC Hearing Date : 12/18/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	4,550.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039142586N	Sustained	03/21/2025	547 HUDSON STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039142587P	Sustained	03/21/2025	547 HUDSON STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039142588R	Sustained	03/21/2025	547 HUDSON STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2C4	27- 3018(B)	Sustained	800.00

Total Penalty for Summons: 800.00

Findings of Facts & Conclusions of Law

Summons: 039142586N

Hearing date: 12/18/25

Appearing for petitioner: Andrew Berger, Esq.

Witness(es):

Appearing for respondent: Phoebe Dossett, Esq.

Witness(es):

The charge dated 3/21/2025, was work without a permit. (Rooftop deck.)

Petitioner augmented the summons with photographs.

Respondent denied the charge but stated it would offer no rebuttal.

Findings of Fact and Conclusions of Law:

I credit the statement of facts in the summons and supporting evidence.

Accordingly, I sustain the charge.

Summons: 039142587P

Hearing date: 12/18/25

Appearing for petitioner: Andrew Berger, Esq.

Witness(es):

Appearing for respondent: Phoebe Dossett, Esq.

Witness(es):

The charge dated 3/21/2025, was failure to maintain a building in a code compliant manner.

Petitioner augmented the summons with photographs.

Respondent argued the alleged failures applied to ongoing construction of a rooftop deck. Respondent also challenged the class 1 designation. The companion charge of work without a permit was a class 2 charge.

Petitioner argued the cited failures could have been charged as a much more serious offense. Petitioner declined to amend the class.

Findings of Fact and Conclusions of Law:

The issuing officer cited the following:

Deck made of combustible material; no railing at leading edge; fire escape egress altered by deck height and obstructed by wiring.

Code § 28-301.1 requires a premises owner to maintain its building at all times in a safe and code-compliant manner and to maintain means of egress in good working condition.

Respondent's argument is – in effect – that failure to maintain relates only to a past condition. This is not the case. See, e.g. Appeal 2500493, June 2025. Unsafe conditions created during construction may be prosecuted as failure to maintain.

I credit the statement of facts in the summons. I find the class 1 designation appropriate.

Accordingly, I sustain the charge.

Summons: 039142588R

Hearing date: 12/18/25

Appearing for petitioner: Andrew Berger, Esq.

Witness(es):

Appearing for respondent: Phoebe Dossett, Esq.

Witness(es):

The charge dated 3/21/2025, was installing HVAC equipment on a roof with no permit.

Petitioner augmented the summons with photographs.

Respondent challenged the class 1 designation.

Petitioner moved to amend the class from 1 to 2.

Findings of Fact and Conclusions of Law:

I grant Petitioner's motion.

I credit the statement of facts in the summons and supporting evidence.

Accordingly, I sustain the charge as amended.



12/18/2025

12/18/2025

Clive Morrick, Judicial Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
 Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
 Queens: (718) 393-6044 CSqueens@oath.nyc.gov
 Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
 Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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