



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: 037028470J et al. (1 Summons) DEPT OF BUILDINGS, -against- 1744 PITKIN AVENUE RE Hearing Date: 04/14/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037028470J	Sustained	05/15/2024	1744 Pitkin Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B263	AC 28-204.4	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. for Respondent

TJ Sahni for DOB

The summons alleges a failure to comply with a prior order of the Commissioner and it carries a \$1,250 fine. DOB rested on the summons and stipulated that the predicate order did not have an order to correct the violation. Respondent moved to dismiss because there was no underlying order under DOB v. T Short, Appeal No. 2101332 (Nov. 18, 2021), request for superseding decision denied, Appeal No. 2101740 (Dec. 16, 2021) (dismisses failure to comply charge as there was no order

in predicate summons). See also, DOB v. Stagg Street, Appeal No. 2400219 (March 28, 2024) (fact that mailed copy contains order does not cure T Short violation)

In DOB v. Markland, Appeal No. 2401034 (Aug. 29,2024), the Board, however, declined to extend [T-Short} to the facts where Respondent, in signing a stipulation, acknowledged and agreed to comply with the Commissioner's order, even if said order was only in the mailed copy of the predicate summons. See also, DOB v. 315 Owners Corp., Appeal No. 2401048 (Aug. 29, 2024)(same, permitting DOB to rely on BIS intranet document to establish that Respondent agreed to comply with the order in the stipulation and also stating that 1 RCRNY 102-01(d)(2) contains a mandate to file a certificate of correction).

As the DOB submitted a BIS printout showing that that Respondent signed a stipulation, the T-Short defense is not applicable. The summons is therefore sustained and the Class 2 fine charged of \$1,250 fine is imposed



04/14/2025

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Mitchell Rubinstein, Hearing Officer

Date