



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                            |                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 039104991J et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>388HARBORVIEW HOUSING DEVELOPM</b><br><br><b>Hearing Date: 02/20/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$1,563.00</b>      |
| <b>Community Service(Hr): Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                |
|------------|---------------------|--------------------|------------------------------------|
| 039104991J | Sustained           | 02/01/2024         | 388 RICHMOND TERRACE Staten Island |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT    | PENALTY    |
|-----------|-----------|-------------------|-----------|------------|
| 1         | B251      | 28-304.1          | Sustained | \$1,563.00 |

**Findings of Fact & Conclusions of Law**

Petitioner NEW YORK CITY DEPARTMENT OF BUILDINGS (DOB) was represented by DOB attorney DANIEL BRICKMAN, ESQ.

Respondent 388 HARBOR VIEW HOUSING DEVELOPM was represented by attorney PHOEBE DOSSETT, ESQ. of the Nacmias Law Firm, PLLC.

Respondent was charged with a Class 1 violation of § 28-304.1 of the Administrative Code of the City of New York (Code), for failing to maintain an elevator.

In the summons, the Issuing Officer (IO) affirmed observing on February 1, 2024, at 388 Richmond Terrace on Staten Island, "Class 1: Upon inspection found device to be out of service. This is a hazardous condition to first responders & special needs residents. It is a recurring condition. Restore to service repair immediately as per 1 RCNY 11-02. When service restored contact NYCDOB at eir@buildings.nyc.gov.; Maintain elevator/conveying system." The summons was issued as a Recurring Condition – Aggravated I violation.

I find the Issuing Officer's sworn-to summons narrative to be credible and persuasive.

Respondent challenged the Class 1 designation, arguing that there were two working elevators at the cited address, and that taking the instant elevator offline to effectuate repairs should not result in a Class 1 violation. In support, respondent's attorney submitted into evidence a NYC Department of Buildings, Elevator Records # 85920, showing that the cited building contained 2 elevators. Additionally, respondent's attorney submitted into evidence a NYC Department of Buildings, OATH/ECB Violation Search by Location, revealing that the prior violation was issued as a Class 2 charge.

I find the respondent's evidence to be credible and persuasive.

Petitioner moved to amend from Class 1 to Class 2, noting that the previous out-of-service summons was issued as a Class 2 violation. GRANTED.

Respondent denied the violation, without further rebuttal, but noted that the respondent was diligently working toward correction.

The credible evidence, here the sworn-to summons narrative of the Issuing Officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and I impose the Class 2, Aggravated I penalty of \$1,563.

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|------------------------------------------------------------------------------------|------------|
|  |            |
| 02/25/2025                                                                         | 02/25/2025 |
| Mark Goichman, Hearing Officer                                                     | Date       |