



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# : 039126362Y et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

NAGESHWAR LLC

Hearing Date : 4/10/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126362Y	Dismissed	10/02/2024	1324 ATLANTIC AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1D2	EC 110.2(A)	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126364H	Sustained	10/02/2024	1324 ATLANTIC AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Sustained	625.00

Total Penalty for Summons:				625.00
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Findings of Facts & Conclusions of Law

At the phone hearing the petitioner appeared by H. Pita, Esq. The respondent appeared by P. Dossett from Nacmias Law. The summonses were previously adjourned for the testimony of the IO, but Mr. Pita informed the hearing that the IO is no longer with the department. Thus the hearing proceeded without the testimony of the IO.

Petitioner rested on the information contained in the summons and noted that although the details states photos taken, Mr. Pita could not locate the inspector's photos.

0391-0262-62Y- the summons charges Class 1, violation of EL 110.2 (a), for unsuitable electrical equipment. The inspector observed on all floors the absence of tamper-resistant outlets as required by LL 39/2015, for the hallways and common areas accessible to children, photos taken.

Ms. Dossett presented the C of O and noted that the property is not a multiple dwelling but rather a transit hotel with a meeting room, designated reception area, and guest rooms (R. Evidence). She argued the inspector cited Local Law 39/2015, which references multiple dwellings, (R. Evidence), the property is a transient hotel, as per the C of O, and therefore she argued LL 39/2015 is not applicable. Mr. Pita disagreed citing OATH Appeal 2000284, DOB v Terrilee 97th Street, LLC., of 9.10.20. In which the Board found the respondent did not establish the property was authorized for transient, although it was authorized to be occupied with a specific number of SROs, it was classified as Class A multiple dwelling.

In this case the C of O permissible use and occupancy designate the property as a transient hotel, and the occupancy group is listed as J-1, which is the designation for buildings and spaces that are primarily occupied for the shelter and sleeping accommodation of individuals on a day-to-day or week-to-week basis. Whereas Multiple Dwellings are designated as dwelling that shall only be used for permanent residence purposes, that is occupancy by the same natural person or family for thirty consecutive days or more. Petitioner emailed a screen shot of Code Section 406.11, as the Local Law 39/2015 was codified in that section, and it specifically states multiple family dwellings (P. Evidence). I find petitioner did not establish the legislative intent was for Local Law 39/2015, to apply to transit hotels, there are other sections of the Code applicable to transit hotels. The summons is dismissed.

0391-263-64H the summons is a Class 1, miscellaneous violation the inspector observed on the 5th floor and the cellar level failure to provide a remote shut down as required in MC 1006.8.1 at the point of egress. And it is a hazardous condition for people entering the room. Ms. Dossett challenged the Class1 designation of the summons, as the location of for the remote shut offs are not located in ana rea accessible to the public.

After reviewing the record petitioner moved to amend to Class 2 miscellaneous as the details do not rise to an immediately hazardous violating condition. Petitioner's motion is granted. The parties agreed correction was timely, thus a reduced penalty is imposed. The summons is sustained.

E. Garcia

04/14/2026

04/14/2026

Elizabeth Garcia, Hearing Officer

Date