



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: 039101370N et al. (1 Summons) DEPT OF BUILDINGS, -against- 63 WEST REALTY CORP ETC Hearing Date: 11/18/2025 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
039101370N	Sustained	12/07/2023	240 WEST 64 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Respondent, 63 WEST REALTY CORP ETC., appeared at a hearing by attorney, Phoebe Dossett, to adjudicate a summons issued by the DOB alleging a Class 2 violation of 28-105.12.2 in that work does not conform to approved construction documents and/or approved amendments. Noted Apt 6A does not conform to approved job #100941821. Bedroom, bathroom and kitchen are set up in different locations than outlined on plans.

Deanna Burbridge appeared for Petitioner.

On 3/21/24 the hearing was adjourned to 7/25/24 for the testimony of the IO, S. Valentine #3169.

On 7/25/24 the hearing was adjourned to 11/21/24 for the testimony of the IO, S. Valentine #3169.

On 11/21/24 the matter was adjourned to 5/15/25 at Petitioner's request for the testimony of the IO, S. Valentine Badge #3169

On 5/15/24, Respondent requested an adjournment to review Petitioner's photographs. The hearing was adjourned to 11/18/25.

On 11/18/25, Petitioner called IO S. Valentine to the stand.

Petitioner submitted the following exhibits:

PX1 18 photographs of the interior and exterior of apt 6A including floor plans.

Respondent submitted the following exhibits:

RXA Work permit data issued 1/2/1996 expired 8/4/19996 issued to LAHORA CONSTRUCTION.

RXB Permit History showing permit issued to Ali Sajid.

After being sworn in IO Valentine testified as follows:

IO Valentine testified that the affidavit of service was posted at the place of occurrence and mailed and testified that the affidavit of service reads that "Petitioner attempted to serve the violation to a male from management in office at 244. Male denied served with no one else available to accept service. A true copy of the NOV was posted at the following conspicuous place on the premises where the violation occurred. Affixed NOV to front entry door. "

Respondent initially challenged service but later withdrew the challenge.

IO Valentine testified that they visited the property pursuant to complaint # 1654432 that alleges the complainant was told the apartment was a 2 bedroom apartment with a living room but that the apartment has no living room.

IO Valentine's photographs show an apartment with 2 small bedrooms, a kitchen and bathroom which is contrary to the floor plans. The photographs show that contrary to the plans, there is no longer a bedroom located across from the apartment entrance instead a wall has been erected and the living room has been converted to 2 bedrooms. The kitchen is next to the bedrooms.

Respondent conducted a cross examination of IO Valentine.

Petitioner rested.

Respondent moved to dismiss the violation on 2 grounds:

1. the violation provides insufficient notice to Respondent regarding the elements of the charge. According to 48 RCNY 6-08(c) the violation must make a sufficient statement as to a specific elements in order to give notice of the charge and that only with the testimony of the IO was it clear how the apartment was contrary to the approved plans. The violation is not specific and is conclusory.

2. Respondent's counsel argued that Respondent, owner, is an improper party and that, as RXA demonstrates, the violation should have been issued to the permit holder, the one who deviated from the plans, LaHora Construction. In response, Petitioner states that the summons is sufficient to put Respondent on notice as to the section of law they violated. The summons puts Respondent on notice that apt 6A does not conform to the approved plans (#100941821) in that the bedroom, bathroom and kitchen are in different locations then on the plans. The summons puts Respondent on notice of the apartment where the violation occurred, the job number (#100941821) and what is different.

Petitioner argues that it is not possible to expect the DOB to hold a contractor responsible for work performed in 1996. Respondent owns the apartment and is therefore responsible for the work that is done on the apartment and to ensure that the work is in compliance with the approved plans.

Respondent's motions to dismiss are denied.

I find that the summons places Respondent on adequate notice of the violation charged for the reasons enumerated by

Petitioner.

In addition, I find that the Respondent is the proper party charged. I find that Respondent is the owner of the apartment and as the owner is the party responsible for ensuring that any and all work conducted on the premises conforms to the job number and is in compliance with the rules and regulations of the city of New York.

The summons is SUSTAINED.



11/19/2025

11/19/2025

Margaret Tolán, Judicial Hearing Officer

Date