



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: 037030141L et al. (1 Summons) DEPT OF BUILDINGS, -against- 62-98 REALTY LLC Hearing Date: 04/08/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037030141L	Dismissed	10/01/2024	84-47 63 Ave Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B179	AC 1RCNY-MISC,RS-MISC	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Phoebe P. Dossett, Esq. appeared on behalf of Respondent for a phone hearing on April 8, 2025 in response to the above-issued summons. Cassie Rene appeared on behalf of Petitioner.

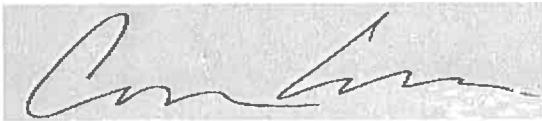
Petitioner relied on the sworn statements contained in the summons.

Respondent claimed that the inspection report was filed and there were no unsafe conditions indicated. Respondent challenged the class one designation. Respondent submitted the inspection report and DOB Now submission in support. Respondent further claimed that the issue was corrected prior to the first hearing date and requested mitigation.

Petitioner declined to amend the charge and recommended the class one penalty because of recent collapses of parking structures; there was a lack of knowledge as to the stability of this structure; and a significant number of people are affected.

Respondent claimed that this is not a per se class one violation; this can be amended to a class 2; simply being late in filing the report does not render the condition immediately hazardous; there was nothing hazardous about the parking garage; the issue was corrected prior to the first hearing date; class is an element of the charge; and nothing in particular was identified as hazardous.

I credit Respondent's argument and evidence and find that Petitioner has not established a class one violation by a preponderance of the evidence. Class is an element of the charge, and Petitioner's generalized concerns about other parking garages does not establish that the garage in this case poses a threat that can severely affect life, health, safety, and /or property, so as to warrant immediate corrective action. The Respondent's submitted engineering report rated the garage as "safe" and noted that no structural repairs need to be performed. Therefore, as Petitioner failed to establish a required element of the charge, the summons is dismissed.



04/08/2025

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Corey Lederman, Hearing Officer

Date