



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: 035689922R et al. (1 Summons) DEPT OF BUILDINGS, -against- 40 MARCY AVE LLC Hearing Date: 12/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035689922R	Sustained	04/01/2025	40 Marcy Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B202	28-301.1	Sustained	\$625.00

Findings of Fact & Conclusions of Law

Summons: 035689922R

Hearing date: 12/18/25

Appearing for petitioner: Andrew Berger, Esq.

Witness(es):

Appearing for respondent: Phoebe Dossett, Esq.

Witness(es):

The charge dated 4/1/2025, was failure to maintain a building in a code compliant manner.

Petitioner augmented the summons with photographs.

Respondent submitted a facade evaluation prepared after the summons by Pantec Engineering, dated 7/28/25, and argued it showed there was no immediately hazardous condition.

Respondent challenged the class 1 designation.

Petitioner reviewed its records and stated it had issued a certificate of correction on 5/1/2025.

Petitioner moved to amend the class from 1 to 2, and recommended a mitigated penalty.

Findings of Fact and Conclusions of Law:

I credit the statement of facts in the summons and supporting evidence.

I credit respondent's evidence.

I grant Petitioner's motion.

Accordingly, I sustain the charge as amended. If a violation is eligible for a mitigated penalty, a mitigated penalty will be imposed if the respondent proves at the hearing that the condition was corrected prior to the first scheduled hearing date. (1 RCNY 102-01(d)(3)) I so find.



12/18/2025

12/18/2025

Clive Morrick, Judicial Hearing Officer

Date