



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: 039144738M et al. (1 Summons) DEPT OF BUILDINGS, -against- VICTOR FAMILY GROUP LLC Hearing Date: 01/06/2026 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
039144738M	Dismissed	04/14/2025	224-20 133 AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B112	28-207.2.2	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

This telephone hearing was held on January 6, 2026. Petitioner, NYCDOB, appeared by Laura Slavin, Esq. Inspector David Miazga, Badge #3440, also appeared and testified on behalf of Petitioner. Respondent, Victor Family Group LLC, appeared by Phoebe Dossett, Esq.

This summons alleges a Class 1 violation of NYC Administrative Code §28-207.2.2 (Unlawfully continuance of work while on notice of Stop Work Order). The summons states that Respondent unlawfully continued work while on notice of a stop work order (SWO) under complaint # 4950683 issued on 2/26/24 by badge #2647; upon reinspection, noted plumbing, electrical and construction work was 100% complete & LOC issued on 3/14/25; reviewed past inspection photos which show missing

drywall, loose electrical wires & plumbing work in progress; Work unlawfully continued.

Ms. Slavin submitted 7 photos taken by Inspector Usman when the SWO was issued (P-1), 25 photos taken by Inspector Miazga when this violation was issued (P-2), the Overview for Complaint (P-3), and the DOB Notice of Violation for working without a permit and the attached affidavit of service (P-4).

Inspector Maizga testified that he inspected the premises on April 14, 2025 to perform a SWO reinspection and he observed that work at premises was 100% complete. He further testified that at the time that the SWO was issued, the work had not been completed, as depicted in the photos taken by Inspector Usman (P-1).

On cross-examination, Inspector Maizga testified that he did not see the SWO at the time of the inspection, that the Respondent's may have changed the door, and that he had not seen the SWO prior to his inspection. He also testified that when he issued this violation, he relied on the photos taken by Inspector Usman and there was no photo of the SWO.

Ms. Dossett made an application to dismiss this summons arguing that the Respondent did not have notice of the SWO. She argued that the SWO was not posted, there was no proof of mailing the SWO to the Respondent and the affidavit of service (P-4) of the Notice of Violation was completely blank. She stated that the Respondent is not disputing ownership at the time the SWO was issued. She submitted the following documents to support Respondent's argument: An Appeals Board decision (DOB v. 14022 LLC, Appeal No. 2401755 (January 30, 2025)), a copy of the Respondent's violation history (R-B), and a copy of the complaint history (R-C) that states "NO STOP WORK ORDER COMPLAINT RECORDS FOUND". She also argued that no evidence of a SWO was found in the BIS records.

Ms. Slavin argued that Respondent should have been on notice of the SWO and the DOB violation references the SWO. She submitted a copy of the Affidavit of Service for the prior violation (P-5). She stated that Petitioner does not have a copy of the SWO, but there is something on the door in Inspector Usman's photo. She further argued that based on the totality of the circumstances, Respondent should have been aware of the SWO.

Ms. Dossett argued that the affidavit of service for the prior violation does not indicate that there is a SWO and the box referring to a SWO is not checked off. She also argued that the Letter of Completion was issued prior to the issuance of this violation and that Respondent did not have any notice of the SWO.

Ms. Slavin argued that this violation should be sustained.

Respondent's application to dismiss this violation is granted. I find that Petitioner's evidence and Inspector Maizga's testimony were insufficient to show that Respondent had notice of the SWO. Petitioner did not present any evidence of posting the SWO or service of the SWO on Respondent. Nor did Petitioner submit a copy of the SWO. (See DOB v. 445 St Lawrence Avenue LLC, Appeal No. 2000289 (May 21, 2020)). Furthermore, Petitioner did not establish that a SWO was posted at the premises or provide any other evidence that Respondent was on notice of the SWO. Therefore, this violation is dismissed.

Barbara Halper

01/06/2026

01/06/2026

Barbara Halper, Judicial Hearing Officer

Date