



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# : 039126114P et al. (5 summonses)

DEPT OF BUILDINGS,

-against-

2246 FOREST AVE, LLC

Hearing Date : 5/19/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 2,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126114P	Sustained	09/30/2024	2246 FOREST AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126119Y	Sustained	09/30/2024	2246 FOREST AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126125K	Dismissed	09/30/2024	2242 FOREST AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126127Y	Dismissed	09/30/2024	2242 FOREST AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126129H	Dismissed	09/30/2024	2242 FOREST AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B201	28-105.1	Dismissed	0.00

Total Penalty for Summons:	0.00
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Findings of Facts & Conclusions of Law

Rafeena Khairullah appeared for Petitioner

Phoebe Dossett appeared for Respondent

IO Brandefine appeared for Petitioner

Summons #:039126114P and 039126119Y

Phoebe Dossett appeared for Respondent and stated she denies the summonses without rebuttal.

I credit the summonses and find at time of inspection there violations of 28-105.1. Summonses are sustained.

Summons #:039126125K

Rafeena Khairullah appeared for Petitioner and stated she stands by the summon and submitted additional evidence (in file)

IO Brandefine appeared and testified at time of inspection he observed the sign erected " The Hot Box Convenience " without a permit to do so.

Phoebe Dossett appeared for Respondent and submitted evidence (in file) that the cited sign pre-existed respondent's purchase of the property.

I credit respondent' s evidence and find that the cited sign pre existed respondent's purchase of the property. Summons is dismissed.

Summons #:039126127Y

Rafeena Khairullah appeared for Petitioner and stated she stands by the summons and submitted additional evidence (in file)

IO Brandefine appeared and testified at time of inspection he observed a partition with a bedroom at rear of store without a permit to do so.

Phoebe Dossett appeared for Respondent and submitted evidence (in file) that the cited partition with a bedroom at rear of store pre-existed respondent's purchase of the property.

I credit respondent' s evidence and find that the cited partition with a bedroom at rear of store pre existed respondent's purchase of the property. Summons is dismissed.

Summons #:039126129H

Rafeena Khairullah appeared for Petitioner and stated she stands by the summons and submitted additional evidence (in file)

IO Brandefine appeared and testified at time of inspection he observed electrical wiring without a permit to do so.

Phoebe Dossett appeared for Respondent and submitted evidence (in file) that the cited electrical wiring at rear of store pre-existed respondent's purchase of the property.

I credit respondent' s evidence and find that the cited electrical wiring pre existed respondent's purchase of the property . Summons is dismissed.



05/27/2025

05/27/2025

Beth Badner, Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
 Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
 Queens: (718) 393-6044 CSqueens@oath.nyc.gov
 Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
 Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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