



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: 039524485H et al. (1 Summons) DEPT OF BUILDINGS, -against- 132 FLUSHING LLC Hearing Date: 06/03/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039524485H	Sustained	01/03/2024	42-10 1/3 215th Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B121	AC 28-105.1	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Maria Dollas, Esq. appeared as counsel for the New York City Department of Buildings. She submits a series of photographs showing the property marked as petitioners exhibit "1".

Phoebe Dossett, Esq. appeared as counsel for the respondent. She made a motion to dismiss and stated that the cited demolition was pre-existing the respondent's purchase of the lot with all three buildings. She submits a deed and a survey showing the buildings prior to the purchase of the building by the respondent on 4/13/23, marked as exhibit "A".

Respondent is charged with demolition of a detached house without a demolition permit, under Code 28-105.1, as a class 1

charge.

The issuing inspector R. Etwaroo appeared under oath and testified that he was on site to review and sign off a demolition of a building. He further stated that there were 3 buildings on the property and separate permits were required to demo each building. He stated that the building at 42-10 1/3 215 Street, was demolished and did not have a demolition permit, and it was charged as class 1 because the roof collapsed on the building.

I find Inspector Etwaroo's testimony and evidence to be credible and established that the cited building located at 42-10 1/2 215th Street was demolished without a valid permit.

I find Ms. Dossett's claim that the demolition was preexisting the respondent's purchase to not be credible.

I find that this is properly classified as a class 1 charge. A class 1 charge is a major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition.

Based upon the above, I sustain this summons as a class 1 charge, and I impose the statutory approved class 1 minimum penalty.

Keith J. Ludwiczak

06/05/2025

06/05/2025

Keith J. Ludwiczak, Hearing Officer

Date