



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# : 039527317M et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

EMPIRE PROP PARTNERS LLC

Hearing Date : 4/13/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 7,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527317M	Sustained	04/09/2024	310 FENIMORE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039527353J	Sustained	04/09/2024	310 FENIMORE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B191	MISC. CHAP.4 OF TITLE 28	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & Conclusions of Law

Phoebe Dossett, Esq. for Respondent

Daniel Brickman, Esq. for DOB

Summons 53J alleges that respondent was enaging in a business or occupation without a license and it carries a \$ 5,000 fine. Respondent challenged Class and the DOB moved to amend this to allege a violation of 28-401.19 as a B206 which carries a \$1,250 fine. DOB also recommended mitigation. The DOB's application to amend is DENIED. The cited infraction code (B191) applies to Misc Article 4 violations and the amended statutory provision remains in Article 4. Therefore, the cited infraction Code is appropriate and there is no mitigation available. The cited violation is a per se Class 1 violation under the amended statutory provision as well as the orginal cited statute. See, DOB v. Juno Contracting, Appeal No. 2201263 (Jan. 26, 2023) ("Where a violation is designated as a per se Class 1, hearing officer nor the Board are empowered to review that designation.")As amended, the cited violation remains a Class 1 violation under the same infraction Code. Therefore, Respondent is found in violation and a \$5,000 fine is imposed.

Summons 17M alleges the lack of window protection and it carries a \$5,000 fine. Respondent again challenged Class and the DOB again moved to amend this to a Class 2 with infraction Code B206. That application to amend was DENIED because there is a specific violation infraction code designating this violation as a Class 2 (B2P7). That infraction code carries a \$2,500 fine, which was acceptable to Respondent, and the DOB again recommended mitigation. However, this violation is not subject to mitigation and therefore, despite mitigation and the DOB recommendation, the application for mitigation is DENIED. However, the application to amend is granted. Therefore, Respondent is found in violation and a \$2,500 fine is imposed.

 04/13/2026 04/13/2026	
Mitchell Rubinstein, Hearing Officer	Date