



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# : 039097390L et al. (1 summonses) DEPT OF BUILDINGS, -against- N W R E 202 CORP Hearing Date : 6/10/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 625.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039097390L	Sustained	10/16/2023	202-01 NORTHERN BOULEVARD, Queens

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

Total Penalty for Summons: 625.00

Findings of Facts & Conclusions of Law

The hearing was conducted via telephone conference call on June 10, 2025.

Respondent N W R E 202 CORP was represented by Phoebe Dossett, Esq.

Deanna Burbridge, Esq. appeared on behalf of petitioner DOB.

The summons charges: 28-301.1

Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector.

Respondent testified that this summons should be dismissed because it is duplicative of summons 039097381J and that there isn't enough specificity for notice of a violation.

Generally, a summons is duplicative of another summons when each cites the same respondent, at the same place of occurrence, on the same date of violation, on the same factual basis under either the same provision of law or a different provision of law with the same elements of proof.

See: NYC v. 187 Pinehurst Owners Corp., Appeal No. 1300221 (July 25, 2013); DOB v. RXR Realty, Appeal No. 2401417 (November 21, 2024).

Here, this summons and summons 039097381J are cited under different provisions of law and have different elements of proof. Specifically, summons 039097381J involves an analysis of whether there is adherence to the requirements of the C of O. This summons involves an analysis of conditions at the cited property which is independent of whether the C of O is being complied with. Accordingly, I find that this summons is not duplicative of summons 039097381J.

On the substance, I credit the summons details and I find that the petitioner has established a valid charge against the respondent. Specifically, I credit that the summons details list the items at the site that create the cited condition and that there is the existence of "hazardous materials" at the site. I find that this is enough specificity to provide notice to the respondent of the cited violation.

I also find that the respondent has not established a valid defense.

The summons is sustained.

James B Klein

06/12/2025

06/12/2025

James Klein, 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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