



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: 039115794Y et al. (1 Summons) DEPT OF BUILDINGS, -against- Benjamin lam Hearing Date: 01/09/2025 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
039115794Y	Dismissed	05/31/2024	159 EAST 33 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	27-Misc, 28-Misc, BC -Misc	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Rafeena Khairullah, Esq. appeared as counsel for the Petitioner the New York City Department of Buildings. She stated that on the DOB NOW Application User Guide p.7, it details what is work, Work – of Assembly occupancy classifications are for gatherings of people for purposes like civic, social or religious functions, recreation, food or drink consumption, awaiting transportation, or similar group activities, when occupied by 75 people or more. A Place of Assembly Certificate of Operation is required. Following the approval of plans/alternate plans in accordance with BC 1028.1.3, and successful completion of DOB inspection, an initial Place of Assembly Certificate of Operation (PACO) is issued, effective for one year. Afterwards, an annual FDNY inspection for a PACO renewal is required (FC 105.6). For temporary public or private events, held indoors or outdoors, such as trade shows, concerts or private gatherings held for a limited duration, a temporary place of assembly

permit is required. A Temporary Place of Assembly Certificate of Operation (TPACO) is issued to ensure the health, safety and welfare of large crowds attending these events.

She submits a the cited TPP, a DOB Now User Guide, a DOB printout, and a series of photographs marked collectively as exhibit "1", and relied on the issuing inspectors class 1 designation and recommended the minimum penalty.

Phoebe Dossett, Esq. appeared as counsel for the respondent. She questioned Inspector Dupree on the cited Permit # M00810579, which is classified as a no work permit classification. She made a motion to dismiss and stated that the TPP was adequate because there was no ongoing work, and any work to the TPP was issued only based off the legalization permit and prior work completed many years ago.

The issuing inspector B. Dupree appeared under oath at the hearing and testified that observed an extended fire escape, under Permit # M00810579, where it was being extended from the building. But no active work. He further testified that the modification to the fire escape, work was not included on the TPP-1 as structural work, and since there was prior structural work, and the PW-1 indicated that no structural work was completed. He further stated that the PW-1 must include what structural work to the fire escape was completed.

Respondent is charged with having an inadequate TPP by not detailing structural work on the TPP, structural safety section, as required under Code 28-201.1, as a class 1 charge.

I grant Ms. Dorset's motion to dismiss, and find that petitioner has failed to show that the TPP was inadequate. The fire escape work indicated on the TPP, was for legalization of prior work to the fire escape, and that there was no current structural work to the fire escape or building.

Based upon the above I dismiss this summons.



01/14/2025

01/14/2025

Keith J. Ludwiczak, Hearing Officer

Date