



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# : 039127136K et al. (3 summonses) DEPT OF BUILDINGS, -against- JAMES R. SALAZAR & NILKA E. SALAZAR Hearing Date : 6/9/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 0.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039127136K	Dismissed	10/10/2024	144 VAN PELT AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039127148H	Dismissed	10/10/2024	144 VAN PELT AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B109	BC 3301.2 & 27-1009(a)	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039127178Z	Dismissed	10/10/2024	144 VAN PELT AVENUE, Staten Island

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

The summonses are dismissed.

The Respondent, JAMES R. SALAZAR & NILKA E. SALAZAR, appeared on three (3) summonses by its counsel, Phoebe Dossett, Esq., Nacmias Law Firm, PLLC. The Petitioner, NYC DEPARTMENT OF BUILDINGS, appeared by its counsel, Maria Dollas, Esq.

Summons #039127136K

The summons alleges a Class 1 violation of NYC Administrative Code (AC) Section 28-105.1, for work without out a permit. The Issuing Officer (IO) specifically alleges in the violation details of the sworn summons that at the time of inspection it was observed that the extensive and ongoing demolition work had occurred without a permit. A Stop Work Order (SWO) was issued.

Summons #039127148H

The summons alleges a Class 1 violation of NYC Building Code Section 3301.2 and NYC AC 27-1009(a) for a failure to safeguard all persons and property affected by construction activities. The IO specifically alleges in the violation details in the sworn summons that at an unqualified excavator operator was removing earth without bracing or support to mitigate a potential collapse of the remaining building structure; no protections or safeguards were in place to protect workers or adjacent properties. A SWO was issued.

Summons #039127178Z

The summonses alleges a Class 1 violation of NYC AC 28-301.1 for a failure to maintain a building in a Code-compliant manner. The IO specifically alleges in the violation details of the sworn summons that the that the exterior facade at Exposures 2, 3 and 4 were fully removed; the interior walls, floors and roof were removed; and the plumbing, gas piping and electrical wiring were removed. A vacate order and a SWO issued.

Petitioner's counsel relied on the summonses for Petitioner's main case.

Respondent's counsel offered nothing on the merits but moved to dismiss the summonses for being issued to an improper Respondent. Respondent's counsel stated that at the time of issuance of the summonses, Respondent was no longer the owner of the subject premises. In support of Respondent's motion, Respondent's counsel produced the following evidence: 1) the ACRIIS deed (Px1), which shows that the Respondent conveyed the property to a144 Van Pelt Avenue LLC on September 23, 2024; 2) a Richmond County Recording of the transaction (Px2); and 3) the SWO Complaint history, in which is noted that a 311 caller stated that a new owner was demolishing the subject premises (Px3). The summonses were issued on October 10, 2004.

Petitioner's counsel noted that the conveyance was no recorded until November 4, 2024, but offered no further argument.

I find by a preponderance of the evidence that the Respondent has successfully established that the summonses were issued to an improper party and Respondent's motions to dismiss for this reason is granted.

The summonses are dismissed.



06/09/2025

06/09/2025

Jamin Sewell, 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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