



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# : 035679260H et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

E. 93 REALTY LLC

Hearing Date : 7/21/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 15,000.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035679260H	Sustained	06/27/2024	313 93 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E5	AC 28-210.3	Sustained	15,000.00
2	B1E6	28-202 .1	Withdrawn	0.00

Total Penalty for Summons: 15,000.00

Findings of Facts & Conclusions of Law

Phoebe Dossett, Esq., appeared as the attorney for the respondent, E 93 Realty LLC, owner of the property at 313 93 Street, Brooklyn. Gurtej (TJ) Sahni, Esq., appeared as the attorney for the petitioner, the Department of Buildings. Issuing Officer Eduardo Cautela, Badge # 2903, also appeared for the petitioner.

The summons alleges permanent dwelling used/converted for other than permanent residential purposes. Now, units 107B (2 guests), 207A (2 guests), 301A (1 guest), 301B (1 guest), 401A (2 guests), 403A (1 guest), and 412 (4 guests) are all used transiently without host present (booked via Airbnb). As per DOB records, all units listed above are legally approved as class "A" units. Previous NOV #35676814R.

The respondent is charged with Administrative Code 28-210.3, which states in pertinent part, "It shall be unlawful for any person or entity who owns or occupies a multiple dwelling or dwelling unit classified for permanent residence purposes to use or occupy, offer or permit the use or occupancy or to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes." Respondent is also charged with Administrative Code 28-202.1, which states in pertinent part, "In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$ 1,000 for each day that the violation is not corrected."

The inspector testified that he was at the premises to resolve a 311 complaint. He observed units rented out on a short-term basis through Airbnb without the host being present.

Petitioner's attorney stated that the supporting photos start on Page 7. It is a transient use Airbnb.

Respondent's attorney stated that the summons charges daily penalties. She contested the daily penalties. The transient use ceased on the day after the service of the summons. This summons was certified corrected. The rooms were vacated, key-locking devices were removed, and transient use ceased on 6/28/24, the day after the summons was issued. The affidavit for AEU2 was executed and the owner provided a sworn statement to certify correction. The conditions were corrected, the units were vacated, and transient use ended the day after, so no daily penalties should be imposed.

Petitioner's attorney waived the daily penalty charge, dropping the B1E6 charge. In terms of B1E5, he recommended the aggravated penalty. He submitted the prior summons for the aggravated support, which was issued within the last 3 years to the respondent.

Respondent's attorney provided nothing further. With the daily penalties dropped, she denied the summons and had no rebuttal.

I credit the inspector's factual allegations and testimony and petitioner's evidence, and find that respondent had used and converted class "A" units in the permanent dwelling for transient use, and that this is a class 1 Aggravated 1 condition. I also credit respondent's attorney's statements and evidence and find that the condition was corrected on the day after the date of occurrence. Accordingly, the summons is sustained and the statutory \$15,000 penalty is due. No daily penalties are due.

	
08/12/2025	08/12/2025
Grace Chen, 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 CSstateniland@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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