



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: 035507707Y et al. (1 Summons) DEPT OF BUILDINGS, -against- SILVIO PROPERTY MANAGEMENT LLC Hearing Date: 01/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035507707Y	Sustained	10/09/2021	39-22 108 Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B124	AC 28-118.3	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Kimberly Manas, attorney, appeared on behalf of the Petitioner, Dept. of Buildings, and Phoebe Dossett, attorney, appeared on behalf of the Respondent, Silvio Property Management LLC, at a remote hearing held on 1/7/2025.

Respondent is charged with a class "1" violation of AC 28-118.3 for place of assembly when current certificate of occupancy does not allow. Observed 2 parties ongoing on 1st and 2nd floors with over 75 persons at each party without PA certificate of occupancy. Certificate of occupancy has 30 maximum persons on 2 floors.

AC 28-118.3 provides that:

Completed buildings or open lots

The provisions of sections 28-118.3.1 through 28-118.3.4 shall apply to completed buildings or open lots.

AC 28-118.3.1 provides that:

Change of occupancy or use.

No building, open lot or portion thereof hereafter altered so as to change from one occupancy group to another, or from one zoning use group to another, either in whole or in part, shall be occupied or used unless and until the commissioner has issued a certificate of occupancy certifying that the alteration work for which the permit was issued has been completed substantially in accordance with the approved construction documents and the provisions of this code and other applicable laws and rules for the new occupancy or use.

Respondent denied the violation with no rebuttal.

I credit the sworn statement and find it establishes a violation of the cited section of law. I further find that Respondent failed to establish a defense or rebuttal to the violation.

Accordingly, I find Respondent in violation and impose the mandatory penalty.



01/09/2025

01/09/2025

Janet Gawthrop, Hearing Officer

Date