



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: 039532677M et al. (1 Summons) DEPT OF BUILDINGS, -against- LEE, PATRICIA A Hearing Date: 01/08/2025 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
039532677M	Dismissed	09/24/2024	1991 ATLANTIC AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	28-105.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

For the reasons stated below, the summons is dismissed.

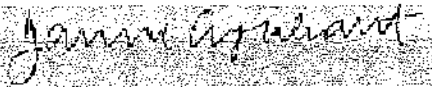
Phoebe Dossett, Esq. appears for the Respondent and Taylor Burje, Esq. appears for the Department of Buildings (DOB).

The sworn summons alleges a violation of Administrative Code 28-105.1 and states work without a permit in that the Issuing Officer (IO) observed a sidewalk shed in place at Exp. #1 and 4, and no underside lights, not illuminated, and walking in the dark posing a hazardous condition for tripping.

Respondent's attorney points out that the rule of law alleged to be violated is work without a permit, but the body of the summons charges underside lights not being illuminated. Noticing the discrepancy between the rule and summons contents, Petitioner's attorney does not offer any recommendations on the DOB's case.

Administrative Code 28-105.1 states that It shall be unlawful to construct, enlarge, alter, repair, move, demolish, remove or change the use or occupancy of any building or structure in the city, to change the use or occupancy of an open lot or portion thereof, or to erect, install, alter, repair, or use or operate any sign or service equipment in or in connection therewith, or to erect, install, alter, repair, remove, convert or replace any gas, mechanical, plumbing, fire suppression or fire protection system in or in connection therewith or to cause any such work to be done unless and until a written permit therefore shall have been issued by the commissioner in accordance with the requirements of this code, subject to such exceptions and exemptions as may be provided in section 28-105.4.

Respondent is not in violation of this provision because nothing is alleged in the sworn summons that even remotely addresses work without a permit, plus the DOB is not moving forward or offering any recommendations on the charge. As such, the summons is dismissed.



01/08/2025

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Janine Azriliant, Hearing Officer

Date