



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# : 039139240Z et al. (4 summonses) DEPT OF BUILDINGS, -against- PATRICIA A. LEE 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
039139240Z	Dismissed	02/22/2025	1991 ATLANTIC AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B223	BC 3307.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039139241K	Dismissed	02/22/2025	1991 ATLANTIC AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B206	27-Misc, 28-Misc, BC -Misc	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039139257P	Dismissed	02/22/2025	1991 ATLANTIC AVENUE, Brooklyn

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

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039139258R	Dismissed	02/22/2025	1991 ATLANTIC AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B202	28-301.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

The summonses are dismissed.

The Respondent, PATRICIA A. LEE, appeared on four (4) 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 #039139240Z

The summons alleges a Class 2 violation of NYC Building Code (BC) Section 3307.1, pedestrian protection does not meet code specifications. The Issuing Officer (IO) specifically alleges in the sworn summons that there were split mudsills, uncapped bolt edges and leaning vertical members,

Summons #039139241K

The summons alleges a Class 2 violation of NYC BC Section 3301.9.2, "Where a sidewalk shed is installed, a sidewalk shed parapet information panel meeting the requirements of Sections 3301.9.2.1 through 3301.9.2.6 shall be posted. Required sidewalk shed parapet information panels shall be in place throughout the duration that the sidewalk shed remains at the site." The IO specifically alleges in the sworn summons that the neither the sidewalk shed nor the parapet contained information as required by the Code.

Summons #039139257P

The summons alleges a Class 1 violation of NYC Administrative Code (AC) Section 27-369, NYC BC 1020.2 (2008 code), & NYC BC 1023.2 (2014 code) for a failure to provide an unobstructed exit passageway. The IO specifically alleges in the violation details of the sworn summons that the fire escape was obstructed by a plywood panel on the sidewalk shed.

Petitioner's counsel moved to amend the section of law cited to NYC AC Section 28-301.1, failure to maintain building in a code-compliant manner. Petitioner's counsel noted that the Appeals Board has held that a fire escape is not an exit for purposes of NYC BC Section 27-269. Respondent's counsel did not oppose the motion. The motion is granted.

Summons #039139258R

The summons alleges a Class 2 violation of NYC AC Section 28-301.1, failure to maintain building in a code-compliant manner. The IO specifically alleges in the violation details of the sworn summons that the facade of the subject premises contained missing siding and detached wood panels on the Atlantic Avenue and Saratoga Avenue exposures.

Petitioner's counsel relied on the summonses for Petitioner's main case and produced evidence packets for each summons including photographs of the alleged violations taken by the IO at the time of inspection (Px1-Px4).

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 as the City of New York had foreclosed on the property for a failure to pay back taxes. In support of Respondent's motion, Respondent's counsel produced the following evidence: 1) an ACRIS parcel identifier search (RxA), and 2) a deed conveying the subject preemies to the City of New York on December 7, 1983 (RxB).

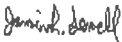
Petitioner's counsel disagreed and stated that the fact that the property was foreclosed upon did not mean that the Respondent no longer maintained control of the subject premises. In support of Petitioner's argument against dismissal, Petitioner's counsel produced the following evidence: 1) a printout of the NYC Department of Finance (DOF) record for the subject premises up to and including the instant date, showing that the Respondent is still the owner of record for NYC DOF purposes (Px5); and 3) four (4) Appeals Board decisions (Px6-Px9). The appeals board decisions were produced to stand for the proposition that an owner that still maintains control over a property, even after foreclosure, can properly be charged as Respondent.

Respondent's counsel stated that the Respondent no longer maintained control over the subject premises and produced the following evidence in support of this contention: a printout from the NYC DOF website indicating a significant balance owed in taxes (RxC). Respondent's counsel argues that the fact NYC DOF has not removed Respondent as the owner of the subject premises, is not sufficient to prove that the Respondent continues to maintain control over the property.

While precedents produced by the Petitioner are somewhat persuasive to indicate that an individual may maintain control over a property post-foreclosure, no evidence was produced other than the NYC DOF record (Px5) which I do not find sufficient to prove that the Respondent continues to control the subject premises, particularly in that no tax payments have been made for many years.

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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