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: 039159506P et al. (1 Summons)** **DEPT OF BUILDINGS,** **-against-** **LAMBROU, MIHALIA CHRISANTHI** **Hearing Date: 11/18/2025** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$0.00**
Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039159506P	Dismissed	09/08/2025	20-54 45 STREET Queens

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

Findings of Fact & Conclusions of Law

Respondent, MIHALIA CHRISANTHI LAMBROU, appeared at a hearing by attorney, Phoebe Dossett, to adjudicate a summons issued by the DOB alleging a Class 2 violation of 28-105.1 in that work without a permit. Noted at cellar level erected full height partition walls to create a bedroom and bathroom.

Deanna Burbridge appeared for Petitioner and relied on the summons.

Respondent's counsel moved to dismiss the summons and argued that Respondent inherited the place of occurrence from her uncle and that her uncle, George Lambrou, created the cellar apartment in 1996 when respondent was a child and before

Respondent had control of the property.

Respondent submitted the following documents as exhibits:

RXA 4 cellar photographs;

RXB Affidavit of Javid Khan stating they know the Dillis family, who lived in the basement apartment from 1998 until 2023, and that the work was done before 2016 before George Lambrou died;

RXC Maria Dillis' affidavit stating that she lived in the cellar apartment for 27 years until 2022. Ms. Dillis states that the apartment was renovated in 1996 to create a one family apartment for her and her mother before Respondent was born;

RXD the deed dated 6/14/23, shows that no real property transfer tax or real estate tax was paid;

RXE DOB v. Lucille M. Aarons Appeal No. 2100775 dated 9/23/2021;

RXF 2 cellar photographs; and

RXG Ahmed Adibi's affidavit stating that he moved into the building in 2004 and that he is friendly with the Dillis family who lived in the cellar apartment. Mr. Adibi states that the cellar apartment existed in 2004 and has remained unchanged and unaltered from 2016 to October 2025.

Respondent argued that, pursuant to DOB v. Lucille M. Aarons Appeal No. 2100775 dated 9/23/2021, where there is a donative intent in transferring a premises to a family member and no evidence of intent to escape liability by the transfer, the criteria for establishing an arm's-length transfer are inapplicable to determining whether a pre-existing condition defense to a Code § 28-105.1 charge is available, and payment of a transfer tax amount not consistent with the market value of the premises does not bar finding that the defense has been established.

Code § 28-105.1 makes it unlawful "to construct, enlarge, alter, repair, move, demolish, remove or change the use or occupancy of any building or structure in the city" without a permit, subject to the exemptions provided in Code § 28-105.4, not applicable here.

I grant Respondent's motion to dismiss.

I find that Respondent established a pre-existing condition defense by a preponderance of the credible evidence. I find that the installation of the cellar apartment without a permit was performed well before Respondent became the owner of the property, when she was in fact a child and that Respondent at the time the unpermitted work was performed did not have control of the premises and could not otherwise be characterized as an owner under the applicable definition.

I find that the fact that payment of a transfer tax amount not consistent with the market value of the premises does not bar finding that the defense has been established.

The summons is DISMISSED.