



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: 039132639Z et al. (1 Summons) DEPT OF BUILDINGS, -against- 1138 WHITE PLAINS ROAD LLC Hearing Date: 09/23/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039132639Z	Sustained	12/11/2024	1138 WHITE PLAINS ROAD Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Respondent, 1138 WHITE PLAINS ROAD LLC, appeared, by its counsel, Phoebe Dossett, Esq., and Petitioner, NYC Dept. of Buildings, appeared by its counsel, Laura Slavin and the issuing officer, (I/O) Zapata.

The SUMMONS alleged a class 1 violation of Section 28-301.1 of the NYC Administrative Code for failure to maintain, specifically at the time of inspection the I/O "observed plumbing tapping and installation work from active gas line for new connection, gas line end pipe is open, pipe unsafe, anyone can easily open valve and create a hazardous condition for occupants in a multiple dwelling. Gas line work 100 pct completed stop all work, maintain area safe."

Ms. Slavin submitted the complaint (Exh. 1) of construction work in a basement of a residential building and a packet of 44 photos of the cited wood framing, sheetrock walls, workers with tools and electrical wires, gas line pipes and water pipes (Exh. 2).

I/O credibly stated that at the time of offense he responded to a complaint and that he observed the cited work and that the photo on page 38 and page 39 of the evidence depicted an open gas line from an illegal "T" connection.

Ms. Dossett stated that the allegations did not make out a prima facie case for the cited section of law and as the work was not complete and the cited work was able to be legalized and submitted an electrical permit dated 2/25/25 to remove violation # 39132642J for general wiring in the cellar and basement 1: 5A panel and 1 set of 3 feeders (Exh. A). She stated that she did not dispute service.

The I/O stated that the cited work he observed of an open gas line with boilers in the cellar with an illegal "T" connection could cause an explosion if the valve was accidentally turned on.

I credit the allegations and find they support a violation of Section 28-301.1. I further find the allegations support a designation of a class 1 because the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action. I do not credit the dispute in fact and find no defense was presented and no correction was submitted.

Accordingly, I sustain and impose the mandatory penalty

Linda Agoston

09/25/2025

09/25/2025

Linda Agoston, Hearing Officer

Date