



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# : 039132641H et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

1138 WHITE PLAINS ROAD LLC

Hearing Date : 9/23/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,250.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039132641H	Sustained	12/11/2024	1138 WHITE PLAINS ROAD, Bronx

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B239	28-301.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & 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 2 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 missing fire protection on the ceilings within the cellar / bsmt level, large portion of unprotected floor joist exposed, active heating equipment in place w/o full protection, no material available to install and no fire guard present during construction operations, creating a hazardous condition for occupants in multiple dwelling bldg., 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.

I/O credibly stated that at the time of offense 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 her client disputed the facts and that she could not rebut the prima facie case, and that she did not dispute service or the class.

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 2 because the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action. I do not credit the dispute of the factual allegations. I find respondent failed to correct the violation by the original hearing date.

Accordingly, I sustain and impose the mandatory penalty of \$1,250.

Linda Agoston

09/24/2025

09/24/2025

Date

Linda Agoston, Hearing Officer

