



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# : 035688357Z et al. (2 summonses) DEPT OF BUILDINGS, -against- 199 MALCOLM X AMS, LLC Hearing Date : 10/22/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	9,375.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035688356R	Sustained	02/06/2025	199 Malcom X Blvd, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B189	28-301 .1	Sustained	6,250.00

Total Penalty for Summons: 6,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035688357Z	Sustained	02/06/2025	199 Malcolm X Blvd, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	AC 28-301.1	Sustained	3,125.00

Total Penalty for Summons: 3,125.00

Findings of Facts & Conclusions of Law

Respondent was issued two summonses, both of which, allege a class 1, Agg 1, violation of NYC Administrative Code 28-301.1 in that respondent failed to maintain the building in a code compliant manner.

Cassie Rene, Esq appeared for the petitioner, NYC Department of Buildings. Inspector R. Quintana, Badge #3659, testified for the petitioner.

Phoebe Dossett, Esq. appeared for the respondent, 199 Malcolm X Alms LLC.

Petitioner relied on the sworn statement of the issuing office and submitted supporting documentation. Petitioner incorporated the inspector's testimony given in related summonses.

Respondent did not refute the factual allegations in the summonses but challenged the aggravated 1 designations stating the underlying summonses had not yet been adjudicated.

Petitioner maintained the violations as written contending that the respondent being cited for the same charge within 3 years was sufficient.

NYC Administrative Code Section 28-301.1 provides, in pertinent part, that "All buildings and all parts thereof and all other structures shall be maintained in a safe condition."

Class 1 violations are those deemed to be immediately hazardous. Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those where 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.

1RCNY 102-01(f)(1) provides" Aggravated penalties of the first order ("Agg. I") may be imposed when evidence establishes the same condition or the same charge under the New York City Construction Codes or the predecessor charge under the laws in effect prior to July 1, 2008 in a prior enforcement action against the same owner or responsible party during the previous three years."

The violations issued here are not subject to mitigation or cure so correction, even if timely, does not alter the penalty.

The issuance of a prior summons, by itself, is a prior enforcement action. See NYC v. Michael J. Tropp (Appeal No. 1100906, 11/17/11) and NYC v. PMV Realty LLC (Appeal No. 1100177, 6/26/11).

I credit petitioner's evidence and the factual allegations in the summonses which support a violation of the cited code section and find that the petitioner established the aggravated 1 designation of the violations. Further, I find the respondent did not establish a defense to the violations. Accordingly, the summonses are sustained, and the mandatory penalties are imposed.



10/22/2025

10/22/2025

Ilene Sussman, Judicial Hearing Officer

Date