



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                            |                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 035688358K et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>199 MALCOLM X AMS, LLC</b><br><br><b>Hearing Date: 10/21/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$6,250.00</b>      |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>  |
|------------------|----------------------------|---------------------------|-----------------------------|
| 035688358K       | Sustained                  | 02/06/2025                | 199 Malcolm X Blvd Brooklyn |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | B106                 | AC<br>27MISCAC28MISCBCMI     | Sustained     | \$6,250.00     |

**Findings of Fact & Conclusions of Law**

The summons alleges a class 1 violation of NYC Building Code 907.2.8 in that respondent failed to provide a fire alarm system for transient use at apartment 3A.

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 Building Code Section 907.2.8 delineates the requirements for fire alarm systems in Group R-1 occupancies.

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 violation issued here is 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 the factual allegations in the summons and the petitioner's evidence which support a violation of the cited code section. I find that the respondent failed to establish a defense to the violation. Accordingly, the summons is sustained and the mandatory penalty, as an aggravated 1, is imposed.

*Ilene Sussman*

10/22/2025

10/22/2025

**Ilene Sussman, Judicial Hearing Officer**

**Date**