



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: 039133997N et al. (1 Summons) DEPT OF BUILDINGS, -against- BENZAKEN, NATHAN Hearing Date: 11/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039133997N	Sustained	12/30/2024	69 LAKE STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

The summons alleges that the respondent violated NYC Administrative Code 28-105.1, by doing work without a permit, a Class 1 violation, at 69 Lake Street Brooklyn on December 30, 2024. Phoebe Dossett, Esq., Nacmias Law Firm, PLLC, appeared for the respondent Nathan Benzaken. Henry Pita Esq., appeared for the petitioner DOB.

The petitioner relied on the issuing officer's sworn statement in the summons. The issuing officer stated that at time of inspection, observed at exp. 1, 2nd floor has been extended approximately 10' in length and 15' wide. Door leading out to small balcony added. No permits on file for this work with department. The petitioner provided 9 photos of the conditions described, and an undated google photo showing the cited property before the described renovations from exposure 1 (Pet.

Exh).

The respondent challenged the Class 1 designation for this charge. The respondent argued that the renovations shown are superficial. There was no extension to the building. There is nothing that would endanger people. The summons was not issued with a vacate order; the property was occupied at the time. The respondent has applied for a permit to certify the work. That request is pending.

The petitioner argued that it is unknown whether the work done was completed by someone licensed, including the brickwork seen, the moving of the property's entrance, and the second floor extension. These renovations constitutes an immediately hazardous condition.

I credit the issuing officer's sworn statement in the summons. I find the respondent did work without a permit as described. The respondent did not deny this. I find the Class 1 designation fappropriate. The work on the façade, including moving the front door, bricking up the original front door, and extending the size of the second floor to be of a nature that could present a danger. There is no way of knowing how the work was done or by whom, absent a permit. The respondent provided no testimony or other evidence regarding the renovations shown. Accordingly, I find the petitioner proved its Class 1 charge by a preponderance of the evidence. I find the respondent is in violation. I impose the standard penalty.