



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: 039126584J et al. (1 Summons) DEPT OF BUILDINGS, -against- CLINTON PORTER Hearing Date: 12/15/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039126584J	Dismissed	10/03/2024	108-31 169 PLACE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1J3	28-210.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Attorney for Respondent, CLINTON PORTER. Petitioner, Department of Buildings appeared by Attorney, Daniel Brickman. The parties appeared for a hearing by telephone on December 15, 2025.

Respondent is charged with a Class 1 violation of Section 28-10.1. In the violation details the Issuing Officer states that a legal two family dwelling was converted to a 4 family dwelling. He states that he observed a Class A apartment at the cellar level with 2 bedrooms and a 3 piece bathroom.

Petitioner relied on the summons. Respondent moves to dismiss the summons. Respondent's Attorney argues that there

was no additional dwelling unit added. She presents the Certificate of Occupancy, which allows for a bathroom in the cellar. She argues that a Class A apartment is defined as having a kitchen, and there is no kitchen in the cellar.

I credit the evidence presented by the Respondent. The violation details in the summons are inconsistent. The summons does not state that there is a kitchen in the cellar. In addition, the summons states that the residence was converted from a two family to a four family dwelling, but only mentions one additional unit in the cellar.

For these reasons, the summons is dismissed.



12/22/2025

12/22/2025

Amita Rodriguez, Judicial Hearing Officer

Date