



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: 039166643R et al. (1 Summons) DEPT OF BUILDINGS, -against- 1235 FULTON STREET, LLC Hearing Date: 02/27/2026 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
039166643R	Dismissed	11/12/2025	1235 FULTON STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B263	28-204.4	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On November 12, 2025, at 10:30 a.m., Respondent, 1235 Fulton Street, LLC, was issued a summons for violating Section 28-204.4 of the New York City Administrative Code, a Class 2 violation, for unlawful acts. The Issuing Officer (I.O.) issued this summons for failure to comply with Commissioner's Order to file a certificate of correction with the Department of Buildings for the premises located at 1235 Fulton Street, Brooklyn, New York.

The Code states that "[f]ailure to comply with an order of the commissioner issued pursuant to section 28-204.2 to correct and to certify correction of a violation within the applicable time period shall be a violation of this code for which penalties may be imposed in addition to the penalties that may be or have been imposed for the violation referred to in such order. Upon

application, for good cause, the commissioner may extend the time for filing the certification of correction of a violation, but not for more than 30 days for each extension.”

At the hearing, Henrietta Baidoo, Esq., represented the Petitioner, NYC Department of Buildings. Phoebe Dossett, Esq., represented the Respondent, 1235 Fulton Street, LLC.

Petitioner relied upon the sworn statement of the I.O. contained in the summons.

Ms. Dossett made a motion to dismiss this summons asserting the summons is facially deficient. It fails to cite an underlying summons containing the Commissioner's order. Ms. Dossett stated that the summons does not make out the material elements of the charge as required by RCNY Section 6-08(c).

In response, Ms. Baidoo stated that the complaint number is on the summons, but this Respondent has received multiple other summonses. Petitioner agreed with Respondent's position.

I credit the arguments asserted on behalf of the Respondent. OATH Rules found in Title 48 of the Rules of the City of New York, Section 6-08(c) requires that “the summons must contain, at a minimum...(2) A clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed;” I find that the Petitioner failed to inform Respondent of the “essential facts alleged to constitute the violation.” Specifically, the summons upon which this failure to comply is based. I find that Petitioner failed to establish a prima facie case.

Accordingly, this summons is Dismissed.

Eva Marie Russo-Lane

03/10/2026

03/10/2026

Eva Marie Russo-Lane, Judicial Hearing Officer

Date