



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# : 039175405X et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

KISSENA 168 LLC

Hearing Date : 5/5/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039175405X	Dismissed	01/29/2026	46-30 KISSENA BOULEVARD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B103	28-118.3.2	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE	
039175406H	Dismissed	01/29/2026	46-30 KISSENA BOULEVARD, Queens	

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B127	2008 code), BC 1023.2 (2014 code) & BC	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

039175405X

This is a hearing by phone held May 5, 2026. Respondent, Kissena 168 LLC, appeared by Phoebe Dossett, Esq. Petitioner, DOB, appeared by Carl Kanev, Esq.

This summons alleges a Class 1 violation of NYC Administrative Code 28-118.3.2. The first hearing date was 4/7/2026.

Petitioner's attorney relied on the summons.

Respondent's attorney submitted an email with attachments. See Respondent's Exhibits. She argued as follows. This summons is for occupancy contrary for a second floor space. There was a companion summons, which is not being heard because it was cured. That companion summons – which ends in 07J – was a zoning violation for the 2nd floor being used as an adult establishment. Her evidence shows the summons ending in 07J was cured. She also submitted Appeal 2500206 and stating when a zoning violation summons and an occupancy contrary summons are predicated on the same use, the occupancy contrary summons is duplicative. Thus, she moved to dismiss the instant summons as duplicative.

I inquired as to Respondent's position as to whether this summons could still be found as duplicative given that the underlying was cured (i.e., sustained but with no penalty). Respondent's attorney stated that a cured summons can still be used as the basis to dismiss for being duplicative.

Petitioner's attorney considered Respondent's arguments. He stated he has no arguments to provide and that he agrees with Respondent's arguments.

I credit the summons but only as to the conditions observed. I credit Respondent's evidence and argument in full. I find this summons is duplicative of 07J, which was cured. Petitioner agreed.

Summons dismissed.

039175406H

This is a hearing by phone held May 5, 2026. Respondent, Kissena 168 LLC, appeared by Phoebe Dossett, Esq. Petitioner, DOB, appeared by Carl Kanev, Esq.

This summons alleges a Class 1 violation of 27-369, BC 1020.2 (2008 code), BC 1023.2 (2014 code), and BC 1024.2 (2022 code). The first hearing date was 4/7/2026.

Petitioner's attorney relied on the summons.

Respondent's attorney argued as follows. The summons was written as obstruction of exit for windows, but windows are not an exit. She referred to Code 27-232 and stated exit passage leads to enclosed public space that provides a means of exit. She stated that it does not include doors or windows. Thus, thus argued the summons does not establish a prima facie case.

Petitioner's attorney stated he had no argument in response.

I initially credited the summons details. However, I credit Respondent's attorney's argument and find it sufficient to shift the burden back to Petitioner. Petitioner failed to meet that burden.

I find the summons does not establish a prima facie case.

Summons dismissed.

Sarah Axtell

05/08/2026

05/08/2026

Sarah Axtell, Hearing Officer

Date