



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: 035486259J et al. (1 Summons) DEPT OF BUILDINGS, -against- RANA AHMED Hearing Date: 08/14/2026 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
035486259J	Dismissed	06/07/2023	101-44 93 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B203	AC 28-118.3.2	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A remote hearing was held on 8-14-26. Petitioner was represented by Daniel Brickman. Respondent was represented by attorney Phoebe Dossett. Respondent was charged with a class one violation of 28-118.3.2 for unauthorized occupancy contrary to C/O or building department record after the IO observed the cited private dwelling had converted to a multiple dwelling at cellar level observing partition erected, a fridge, kitchen sink, shower stall and 2 wash basins at the cited location.

The matter had been previously on for hearing and adjourned for the testimony of the issuing officer. The inspector was not available at the hearing as he was involved in an inspections. Petitioner requested an adjournment. Respondent objected. The hearing was adjourned for the inspector's testimony to today's date at 8:30 A.M.. The case was assigned to this hearing

officer by OATH at 11:31 A.M. The notification to petitioner was some 10 minutes later at which point the inspector was no longer available. Respondent objected to the adjournment stating the matter was on for the inspector and the rules governing OATH did not provide for a second adjournment for an inspector. Respondent also noted that they were available for the hearing in a timely fashion at 8:30 A.M. and should not be prejudiced by the witnesses failure to appear. Petitioner argued that the witness was only required to be present for three hours from the time the adjournment order stated which in this case was 8:30 A.M. thus as this case did not get assigned until 11:31 the witness was no longer required to be present.

Respondent also moved to dismiss on defective service as the affidavit of service did not establish a reasonable attempt at personal service before posting of the summons as the affidavit of service stated talked to a male asked if named respondent is present he said no so summons was posted. Respondent also moved for dismissal on facts as there was no C/O or I card which established that the property was forbidden to maintain a kitchen in the cellar and given that accessory cooking in a cellar is permitted under the code 27-2087(a) having a kitchen area does not establish a prima facie case for unauthorized occupancy.

Petitioner submitted an evidence package which consisted of the paperwork completed by the inspector and a screen shot of the HPD online.

I do not find good cause to adjourn this matter as it was already adjourned once by petitioner for their witnesses testimony and petitioner's argument that the witness has only to be available for three hours is not persuasive.

I find that the service of the summons was defective as the inspector failed to make a reasonable attempt at personal service before posting. The Board has held that a reasonable attempt to personally serve Respondent was made when the IO (1) was told by workers that they were not authorized to accept service for Respondent; (2) inquired whether there was anyone else onsite authorized to do so, and (3) was told no such person was present. In *DOB v. LSB Associates*, Appeal No. 1800358 (June 7, 2018) and *DOB v. SMVP Mgmt Inc*, Appeal No. 1900955 (July 25, 2019), where to prove a reasonable attempt in each Petitioner relied solely on the IO's conclusory statement that no authorized person was present; the Board found it ambiguous whether any persons were present and, if so, whether the IOs had asked whether there was an authorized person.

The Board has also held that a reasonable attempt at service is established where, at the very least, the IO made attempts to ascertain whether anyone authorized to accept service on behalf of the respondent was present at the cited premises. See *NYC v. 1262 Broadway LLC*, Appeal No. 1700647 (August 17, 2017). Here, the affidavit of service demonstrates the inspector made no reasonable attempt as all he states is that he asked a male if the respondent was present before posting.

Accordingly the summons is dismissed.



08/14/2026

08/14/2026

Janet Albertson, Judicial Hearing Officer

Date