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: 039144605Z et al. (1 Summons)** **DEPT OF BUILDINGS,** **-against-** **147-25 NORTHERN ASSOCIATES,** **Hearing Date: 09/15/2026** **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
039144605Z	Dismissed	04/11/2025	147-25 NORTHERN BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B151	28-304.1	Dismissed	$0.00

Findings of Fact & Conclusions of Law

Attorney PHOEBE DOSSETT, Esq. appeared for Respondent 147-25 NORTHERN ASSOCIATES
DOB Attorney Anuj Vaidya, Esq. appeared for Petitioner DOB.
I/O R. Young (3681) appeared and testified (final adjournment noted on last adjournment order).
On 4/11/25, 147-25 NORTHERN BOULEVARD, Queens, the I/O issued this summons alleging a violation of 28-304.1 (Class 1).

As to service, I/O Young testified he normally and always looks for the contact information in the building and he usually finds the superintendent or management and it is likely he did not find it, and he then attempts to find anyone else to accept service

and that is why he posted it. I/O Young testified if someone was spoken to, he would have asked if the superintendent was there, if they had his number, and if they did into provide that, then he would post the summons.

Upon cross-examination, I/O Young testified he did not remember specifically if he spoke to anyone here. I/O Young testified he reviewed the photographs and he sees an intercom for the building and did not have any luck. I/O Young testified his usually practice is to find the superintendent's contact information so he can serve it to them. I/O Young testified if he did speak to someone, he would ask if they are authorized to accept service on behalf of the building.

Ms. Dossett did not have any challenge to the I/O's service testimony. Upon review of the affidavit of service and in consideration of I/O Young's testimony as ot service, I find service to be proper and reasonable.

As to class, I/O Young testified he issued this summons as a class 1 violation because it is considered a danger if there is no service for the people who reside in the building. I/O Young testified there was a previous summons issued before the instant summons so it might have been an ongoing issue. I/O Young testified instead of issuing an AGGI, it was issued as a class 1 as it continued.

Upon cross-examination, I/O Young testified there were two elevators located at the premises. I/O Young testified be believed one of the elevators was working but was not 100% sure. I/O Young testified he was told to write a class 1 violation.

Mr. Vaidya submitted into the record P1 – OATH Appeal 2500201; P2 – the list of the previous violations. Ms. Dossett objected to P2, arguing it is not relevant here as this is not charged as an AGGI. Here, the I/O referred to the previous violations and I found them to be relevant so the evidence was admitted with the proper weight to be applied.

Ms. Dossett argued as stipulated by Petitioner, there were two elevators. Ms. Dossett argued the instant summons was out of order, and as there was another functioning elevator, this is not a per-se class 1 violation. Ms. Dossett argued RCNY 103-19 defines class 1 elevator conditions, which is when all elevators are out of service in the building. Ms. Dossett argued the submitted appeal is not applicable here, as the underlying violation was for a tampered elevator door missing a door zone restrictor that designated a class 1 violation. Ms. Dossett argued if it is not amended to a class 2, it must be dismissed. Ms. Dossett noted correction was submitted prior to the first hearing date.

Mr. Vaidya argued in the submitted Appeal, the Board found that "As the Board found in Cross Bx Residence Inc., 2300115, the threat of an accident does not diminish where there are other elevators in the building. In this regard, the Board notes that while Respondent's attorney asserted that the cited elevator was not in use and there was a sign stating not to use it, Respondent failed to submit any proof to establish that the elevator was mechanically taken out of service." Mr. Vaidya argued there were a number of prior class 1 violations. Mr. Vaidya argued here, the weight of the evidence, including that there was only one elevator working at the time, the multiple violations suggests that this was an immediately hazardous violation requiring immediate correction.

Here, Petitioner stipulated that there was one other elevator, and therefore it is not a per se class 1 violation. The submitted appeal was not on point as it contains a materially different set of facts. A Class 1 immediately hazardous violation is one that poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action. I/O Young's testimony did not present this violation as a class 1 violation. Here, Petitioner failed to show that this was a class 1 violation as cited. Petitioner refused to amend to a class 2 violation, and relied on the submitted caselaw. In Appeal 2300115, the condition that was focused on was the defective elevator door, which is not what is at issue here.

As a class 1 violation was not established by Petitioner, it must be DISMISSED.



09/15/2026

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Joseph Fan, Judicial Hearing Officer

Date