



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: 039145954L et al. (1 Summons) DEPT OF BUILDINGS, -against- FIVE DEVELOPMENT LLC Hearing Date: 08/11/2026 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
039145954L	Dismissed	04/21/2025	159-11 HILLSIDE AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B254	28-301.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A hearing was conducted by telephone on August 11, 2026. Phoebe Dossett, Esq. appeared for the respondent. Kimberly Manas, Esq. appeared for the petitioner. The summons alleged a violation of NY Admin. Code sec. 28-301.1 in that a gas boiler was not registered.

The petitioner rested on the summons. The respondent's attorney moved to dismiss the summons, arguing that service was defective as the affidavit of service did not articulate in detail the issuing officer's attempt at service. The affidavit only states that the issuing officer "KNOCKED ON DOOR NO AUTHORIZED PERSON OR OFFICER OF LLC AT BUILDING POSTED ON FRONT DOOR". The petitioner argued that the affidavit of service listed sufficient detail to demonstrate that the issuing officer

made a reasonable attempt at service. The issuing officer, however, was not available for the hearing as they were no longer with the Department of Buildings.

I agree with the respondent here and find that the affidavit of service does not demonstrate that the issuing officer made a reasonable attempt at service. While the affidavit states that the issuing officer knocked on the door of the premises, there is no detail as to whether they waited for a response, how long they waited for a response, or how they ascertained that there was no authorized person to accept service. I, therefore, find service to be defective. This summons is, therefore, dismissed.



08/11/2026

08/11/2026

Chin Ho Cheng, Judicial Hearing Officer

Date