OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	**Summons No: 039166114L et al. (1 Summons)** **DEPT OF BUILDINGS,** **-against-** **16 CHRISTOPHER STREET, LLC** **Hearing Date: 09/21/2026** **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
039166114L	Dismissed	11/06/2025	16 CHRISTOPHER STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Dismissed	$0.00

Findings of Fact & Conclusions of Law

The hearing on summons number 039166114L was conducted by telephone conference call on September 21, 2026.

Petitioner Department of Buildings appeared at the hearing through attorney Shivajeet Chakraborty. Respondent 16 CHRISTOPHER STREET, LLC appeared at the hearing through attorney Michael Sargo.

The Issuing Officer alleges in the summons that Respondent committed a Class 1 violation of 28-301.1 for failure to maintain the building in a code compliant manner. Specifically, the IO affirms observing deteriorating brick and mortar at the ground level of the façade with missing mortar joints and cracks heading to cellar level. It is indicated as a Recurring Condition

Aggravated I per 1 RCNY 102-01(f).

Petitioner reiterates the sworn statements contained in the summons and submits an evidence packet containing the IO's photographs and a printout of the prior violation finding the Respondent in violation of 28-301.1 for failing to maintain the building in a code compliant manner. The violation details read: "FAÇADE IS VISIBLY BOWING, DETERIORATED MORTAR AND BRICK OBSERVED IN MULTIPLE LOCATIONS, STAIRCASE AND LAN [sic]."

Petitioner calls IO Frederick Cooper, who testified to arriving to the location and being approached by a young man, who said he was the supervisor of construction. The IO testified to asking the man for identification, but the man did not provide it. The IO noted the man seemed to know the conditions of the building but the IO could not verify his relationship to the building. The IO testified that he did not ask the man whether he or anyone else present was authorized to accept service of the summons. The IO testified that he did not observe any other individuals present. The IO noted there was no doorbell and stated he did not knock before posting the summons on the front door.

Respondent challenges the Aggravated I designation and argues that although the prior violation is within 3 years of the instant summons, it is not the same reoccurring condition. Respondent argues that the prior summons related to deterioration at the staircase and the landing, and the instant summons refers to the ground level façade, with cracks heading into the cellar level. Respondent argues these are different conditions.

Petitioner argues the law does not require it to be the same condition. Petitioner notes that the cases have the same condition and the same charge.

Title 1 of the Rules of the City of New York (RCNY) Section 102-01(f) provides: Aggravated penalties of the first order. Aggravated penalties of the first order shall be imposed when evidence establishes the same condition or the same charge under the New York City Construction Codes or the predecessor charge under the laws in effect prior to July 1, 2008 in a prior enforcement action against the same owner or responsible party during the previous three years.

I find that the Aggravated I designation is proper. The law requires the same condition or the same charge in a prior enforcement action against the same responsible party during the previous three years. Petitioner sufficiently established that Respondent was found in violation of the same charge within three years.

Respondent next challenges service of the summons and argues that the IO did not make a reasonable attempt at serving the summons as the IO did not ask the young man the requisite questions, whether he or anyone else present was authorized to accept service of the summons. Respondent also notes that although the IO did not see anyone else, the IO did not make an attempt to find anyone else on site, did not knock on the door, did not walk the property, and this is not sufficient.

Petitioner counters that service was proper. Petitioner notes that after the IO determined that the unknown person could not or would not identify themselves, it was better to post the summons. Petitioner points out that the affidavit of services indicates that the building was vacant and the IO need not knock.

NYC Charter§1049-a(d)(2) permits service of a summons by affixing such summons in a conspicuous place to the cited premises after making a reasonable attempt to deliver the summons to a person at the premises upon whom service may be made as provided in Article 3 of the Civil Practice Law and Rules [(CPLR)] or Article 3 of the Business Corporation Law, followed by required mailings.

CPLR § 311-a requires that service of process on any domestic or foreign LLC be made by delivering a copy personally to any member, manager, or other agent authorized or designated to receive service. "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 DOB v. 440 W 47 Stone LLC*, Appeal No. 2300730 (August 31, 2023).

Here, the IO encountered a man who may have identified himself as a supervisor of construction, and the IO did not ask him whether he or anyone authorized to accept service was present at the cited premises. *See DOB v. 5576 Realty LLC*, Appeal No. 1900064 (April 4, 2019) ("at a minimum, the IO must ask if anyone at the premises is authorized to accept service on behalf of the respondent"). There is insufficient evidence to determine if the man refused service of the summons.

In addition, the Board has held that where an IO receives no answers to knocks or bell ringing, and there are no persons present at the premises, a reasonable attempt at personal service can be established. *See DSNY v. Kwong Kin Wing*, Appeal No. 2301339 (December 21, 2023). Here, the IO did not knock on the door. And there was at least one person on the premises, as the IO encountered the young man.

I find that Petitioner failed to establish that the IO made a reasonable attempt to serve the summons before resorting to alternative service under the Charter. Accordingly, the summons is dismissed.



09/28/2026

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Alexandra Saker, Judicial Hearing Officer **Date**