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# : 039536050R et al. (2 summonses)** **DEPT OF BUILDINGS,** **-against-** **B SOSA ENTERPRISES CORP** **Hearing Date :** 10/1/2026 **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
039536050R	Dismissed	01/16/2025	150-18 12 ROAD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B263	28-204.4	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039536054Y	Dismissed	01/16/2025	150-18 12 ROAD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B263	28-204.4	Dismissed	0.00

Total Penalty for Summons: **0.00**

Findings of Facts & Conclusions of Law

The hearing was conducted by telephone via Court Call on October 1, 2026. Richard Mayer represented Petitioner. Respondent appeared through attorney Phoebe Dossett. These matters had been adjourned for the issuing officer, but per Petitioner the officer is no longer with the DOB and thus did not appear for the hearing.

Summons 50R. The summons charges a class 2 violation of Administrative Code (Code) § 28-204.4. The IO affirmed observing: "Failure to comply with the Commissioner's order to file a certificate of correction with the Department of Buildings. respondent failed to correct violating condition and file for a certificate of correction pursuant to AC 28-204.4 for violation no. 39534644P issued dated 11/22/2024. At time of inspection, I observed inactive closed jobsite with entrance gated chained & padlocked. Unable to gain access to verify compliance." The certificate of service supports Charter service by stating that the IO made a reasonable but unsuccessful attempt to effectuate service as follows: "No any person found connected to the Respondent." The IO posted the summons at a fence at exposure 1.

Petitioner supplemented the summons with photos showing the jobsite described in the summons. See PX 1. Respondent argued for dismissal on the grounds that service was improper, contending that the IO failed to describe a reasonable attempt at service in that he failed to set forth what steps if any were undertaken, such as knocking or calling out, to locate someone to serve. Respondent did not otherwise challenge the summons.

The service of the summons was defective because Petitioner failed to show a reasonable attempt at personal service. The IO stated that the location was locked, he was unable to gain access, and no person was found. But the IO failed to identify reasonable steps taken to locate someone to serve. For example, the IO did not say whether he walked the fence line or called out to locate anyone who could tell him whether Respondent or anyone authorized to accept service was there, rendering service defective. See DOB v. Bazinova, Milena, Appeal No. 2500717 (August 28, 2025).

Regarding the merits, I credit the affirmed allegations of the summons and Petitioner's evidence and find that Petitioner established its prima facie case. Respondent did not contest Petitioner's evidence or present a merits defense.

Summons 54Y. The summons charges a class 2 violation Code § 28-204.4. The IO affirmed observing: "Failure to comply with the Commissioner's Order to file a certificate of correction with the Department of Buildings. Respondent failed to correct violating condition and file for a certificate of correction pursuant to AC 28-204.4 for violation no. 39534647K issued dated 11/22/2024. At time of inspection, I observed closed inactive job with entrance gate chained and padlocked. Unable to gain access to verify compliance." The certificate of service supports Charter service by stating that the IO made a reasonable but unsuccessful attempt to effectuate service as follows: "No any person found connected to the Respondent." The IO posted the summons at a fence at exposure 1.

Petitioner supplemented the summons with photos showing the jobsite described in the summons. See PX 2. Respondent argued for dismissal on the grounds that service was improper, restating the arguments addressed above. Service was defective for the reasons set forth above.

Regarding the merits, I credit the affirmed allegations of the summons and Petitioner's evidence and find that Petitioner established its prima facie case. Respondent did not contest Petitioner's evidence or present a merits defense.

Each summons consequenlty is dismissed for improper service.

Michael Gallagher

10/05/2026 **10/05/2026**

Michael Gallagher, Hearing Officer **Date**