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# : 039538228Y et al. (2 summonses) DEPT OF BUILDINGS, -against- B SOSA ENTERPRISES CORP Hearing Date : 8/20/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 2,500.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039538228Y	Sustained	03/21/2025	150-26 12 ROAD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B263	28-204.4	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039538233Z	Sustained	03/21/2025	150-24 12 ROAD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B263	28-204.4	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

Findings of Facts & Conclusions of Law

The hearing was conducted via telephone conference call on August 20, 2026.

Phoebe Dossett, Esq., attorney for Respondent, appeared at the hearing. Deanna Lamberti appeared on behalf of Petitioner DOB.

The Summonses charge 28-204.4 for failure to comply with a Commissioner's Orders to file Certificates of Correction. Petitioner's representative relied on sworn to statements on Summonses and submitted evidence packets including underlying Summonses, Affidavits of Service and photographs. See Petitioner's Evidence. Petitioner's representative stated Certificates of Correction were submitted and accepted on 11/22/2025 which was well after the issuance of Summonses. See Petitioner's Evidence. Respondent's representative moved to dismiss based on improper service arguing failure to properly execute alternative methods of service as language on Affidavit of Service stating- "no any person found connected to the Respondent" did not establish a reasonable attempt to deliver to a person at premises. In rebuttal, Petitioner's representative stated alternate service properly executed as reasonable attempt was established with language .on Affidavits of Service and Summonses indicate job site was closed and no one was present.

Charter 1049-a(d)(2) permits alternative service of Summons after making a reasonable attempt to deliver it to a person at the premises upon whom service may be made as provided in the CPLR or BCL. BC 28-204.4 provides, in pertinent part, failure to comply with an order of commissioner...to correct and certify correction of a violation within the applicalbe time period shall be a violation of this code for which penalties may be imposed in addition to the penalties ...for the violation referred to in such order.

I credit the Summons details and find that the Petitioner has established valid charges in both Summonses against the Respondent. Petitioner established its prima facie cases through the IO's affirmed statement in the summons. See 48 RCNY § 6-12(b). Once Petitioner established its cases, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). Here, the Issuing Officer indicated on both Summonses "At time of inspection, I observed inactive closed job with entrance gate chained and padlocked" and stated on the Affidavit of Service - "no any person found connected to the Respondent." Based on the foregoing, I find the Issuing Officer established no one was present and therefore did not have to further explain how they concluded no person could accept service. See DOB v Y Levy Construction Corp, Appeal No 2100072,(March 17, 2020) In addition, I find Respondent has not presented credible evidence to refute the charges. Therefore, by a preponderance of the evidence, I find Respondent in violation for both Summonses and impose the penalties of $1250 and $1250 respectively. The Summonses are sustained.



09/14/2026

09/14/2026

Randee Rubenstein, Hearing Officer

Date