



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: 039549636R et al. (1 Summons) DEPT OF BUILDINGS, -against- ARKENSTONE BUILDERS INC Hearing Date: 05/05/2026 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
039549636R	Dismissed	01/29/2026	114-43 203 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2L1	28-105.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

This is a hearing by phone held May 5, 2026. Respondent, Arkenstone Builders Inc., appeared by Phoebe Dossett, Esq. Petitioner, DOB, appeared by Carl Kanev, Esq.

This summons alleges a Class 2 violation of NYC Administrative Code 28-105.1. The first hearing date was 4/7/2026, with a cure date of 3/30/2026.

Petitioner's attorney relied on the summons.

Respondent's attorney moved to dismiss the summons for improper party. She stated the summons was issued for work without a permit, however, the summons names the general contractor as the Respondent. She stated the summons should be issued to the owner or to the person in control. In support, she submitted Acris search results and directed the Tribunal's attention to the last two filings, an emergency declaration, and a permit. See Respondent's Exhibits. She stated Respondent's only relationship to the property was having a permit for temporarily installation of an exterior wall. She stated Respondent has no control over the property other than the temporarily bracing permit. She stated that the Issuing Officer incorrectly pulled the Respondent's name, but they were improperly named. As to the emergency declaration, she stated a wall was demolished. She stated that HPD and DOB issued the emergency declaration for owner to erect a fence. She stated the owner has filed a job approval to legalize the fence and obtain a permit.

Petitioner's representative stated he has no argument.

I credit the summons details only as to the observed work. However, I credit Respondent's argument. I find that the Respondent is the improper party. The Respondent is not the owner and only had limited connection to the property. I find that Respondent did not do the cited work observed by the Issuing Officer. Petitioner failed to overcome Respondent's arguments.

Summons dismissed for improper party.

Sarah Axtell

05/14/2026

05/14/2026

Sarah Axtell, Judicial Hearing Officer

Date