



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: 039104173H et al. (1 Summons) DEPT OF BUILDINGS, -against- 1967 BERGEN LLC Hearing Date: 07/22/2025 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
039104173H	Dismissed	01/24/2024	1967 BERGEN STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B187	28-201.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The Department of Buildings (DOB) issued this Summons to 1967 Bergen LLC. The Summons charges a violation, defined by law as Class 1 or "immediately hazardous," for failure to correct and certify correction of the violating conditions cited in a previous Class 1 summons. Andrew Berger, Esq., represented DOB at the remote hearing, and Phoebe Dossett, Esq., represented the LLC. The hearing had been adjourned for the testimony of the inspector who issued the Summons, but he was not present.

Ms. Dossett offered no defense on the merits, and the only issue litigated at the hearing was service. The inspector's affirmation of service reflects alternative affix-and-mail service under City Charter 1049-a(d)(2) after the officer had knocked on

the door twice and also asked the workers in the basement if the owner were available. Ms. Dossett argued that this statement failed to reflect proper service because the inquiry was inadequate, failing to ask if any other authorized person were present. Mr. Berger said that he had spoken to the Inspector, who had confirmed that he had only asked about the owner.

I find that Ms. Dossett's argument is legally correct and that there was no proper inquiry. Accordingly, I find that service was defective, and this Summons is dismissed.



07/22/2025

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Sara Piovio, Hearing Officer

Date