



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# : 039137787N et al. (1 summonses) DEPT OF BUILDINGS, -against- KINGS BAY MARINA LLC Hearing Date : 9/23/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039137787N	Dismissed	02/07/2025	5800 AVENUE U, Brooklyn

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Respondent, KINGS BAY MARINA LLC appeared by its counsel, Phoebe Dossett, Esq., and Petitioner, NYC Dept. of Buildings, appeared by its counsel, Laura Slavin, Esq.

The instant SUMMONS charged a class 1 violation of Section 28-201.1 of the NYC Administrative Code for failure to correct conditions cited in "DOB Violation 22-02826 dated 8/22/22. Respondent was required to submit an engineer's report concerning structurally deficient conditions. As of 10/11/2023, an engineer's report has not been submitted to the department." The SUMMONS further alleged an Aggravated I condition.

Ms. Dossett challenged the service of service of the DOB violation and stated that Respondent was never serviced with the DOB violation.

Ms. Slavin submitted the BIS record of a prior OATH/ECB violation: 37025864Z issued to Respondent on 10/11/23, for the failure to comply with the Commission's Order in DOB Violation 22-02826 dated 8/22/22. Respondent was required to submit an engineer's report concerning structurally deficient conditions and the prior violation was in default (Exh 1). She further submitted the record of the scan of the cited DOB violation (Exh. 2) for failure to maintain the building on the dock and piles with the wooden structure in danger of collapse. She further submitted the Affidavit of Service (Exh. 3) and photos of the cited deficient conditions of the broken wooden pieces of the dock (Exh. 4).

Ms. Dossett submitted Appeal No. 2400528, DOB v. Queens Gardens Owners Inc., dated July 25, 2024, and noted that the Appeals Board held:

"The Board finds that Petitioner failed to establish that the referenced DOB violation containing the Commissioner's order was served on Respondent. Per Code § 28-209.2, all orders issued by the Commissioner to correct an unlawful use or condition "shall be served by regular mail or, upon consent, electronically.... the Board finds that Petitioner failed to show that service of the Commissioner's order was effectuated as required by Code § 28-209.2, warranting dismissal of the violation of Code § 28-201.1."

I find the same facts in the instant case as were noted in the submitted appeal. I find that the Petitioner did not meet its service burden to show that the DOB violation was either mailed to Respondent or upon consent, sent electronically as the scan of the DOB violation indicated no indicia of service as the Affidavit of Service by mail was blank and I find that Petitioner submitted no record to establish that the DOB violation was served upon consent electronically.

Accordingly, I dismiss.

Linda Agoston

09/24/2025

09/24/2025

Linda Agoston, Hearing Officer

Date

