



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# : 039103189H et al. (8 summonses) DEPT OF BUILDINGS, -against- MUBAREZ, TAREQ Hearing Date : 10/2/2025 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
039103189H	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103212R	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103219J	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103228L	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103234H	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103236L	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103242H	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039103243J	Dismissed	01/10/2024	978 RUTLAND ROAD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210.1	Dismissed	0.00
2	B172	28-202.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

A hearing was conducted by telephone on October 2, 2025. Phoebe Dossett, Esq. appeared for the respondent. Jennifer Clouden, Esq. appeared for the petitioner. Each of the eight summonses here alleged a violation of NYC Admin. Code secs. 28-210.1 and 28-202.1 in that there were a total of single room occupancies in a two-family home. The petitioner's attorney presented an evidence packet that included photographs of the alleged violations and the respondent's statement in support of certificate of correction. The respondent's attorney argued that service of the summonses was defective in that the issuing officer did not make a reasonable attempt to personally serve the summonses; the respondent's attorney noted that the respondent listed the premises as his home address. The petitioner's attorney argued that the order to vacate demonstrates that the premises was vacant and that there would have been no one present to accept service.

The respondent's attorney also argued that at least two of the summonses should be dismissed as there were at least two rooms that were permissible since the certificate of occupancy was for a two-family home. The petitioner's attorney pointed out that each of the summonses described specifically the violating single room occupancies. The respondent also argued that the daily penalties for the violating conditions should be tolled on January 23, 2024, when the respondent corrected the violating conditions, as shown by the respondent's statement in support of certificate of correction.

In the affidavits of service for all eight summonses, the issuing officer checked the box for "alternate method of service". In seven of the eight summonses, the issuing officer wrote that the following reasonable but unsuccessful attempt at service was made: "Owner or owner presentative [sic] not present" and that a copy of the notice of violation was "[p]osted at front entry door". In the affidavit of service for summons ending in 28L, the issuing officer simply wrote "posted" to describe his reasonable attempt at service and again wrote "posted" to state the location where the notice of violation was posted.

Based on the foregoing, I find that the issuing officer did not make a reasonable attempt to personally serve the respondent. The affidavits of service do not describe how he ascertained that the respondent was not present to accept service or any statement that the premises was vacant. The vacate order was not issued until January 11, 2024, the day after the summons was issued; furthermore, the respondent's statement in support of certificate of correction states that the violating conditions were not corrected until January 23, 2024, making it plausible that the premises were occupied until that date. The petitioner failed to provide additional evidence that the premises was in fact vacant. The issuing officer, having left the DOB's employment, was not available to testify.

Had service of the summonses not been defective, all eight summonses would stand as each summons describes with particularity the offending condition and the daily penalties would be tolled on January 23, 2024, when the violating conditions were corrected.

As such, however, the summonses are dismissed due to improper service.



10/02/2025

10/02/2025

Chin Ho Cheng, Hearing Officer

Date

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE
COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION
DATE OR 35 DAYS IF MAILED.**

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO
COMMUNITY
SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF
COMMUNITY
SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/Pro Se Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

**NON-DISCLOSURE
FOR SUMMONSES
ELIGIBLE FOR
COMMUNITY
SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE
WITH THE DECISION,
YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY
ENFORCEMENT
AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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