



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: 039121260K et al. (1 Summons) DEPT OF BUILDINGS, -against- PROSPECT HEIGHTS 637-641 REALT Hearing Date: 03/27/2025 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
039121260K	Dismissed	08/08/2024	637 ST MARKS AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

CASSIE RENE appeared for the Department of Buildings (DOB), the petitioner here. PHOEBE DOSSETT, ESQ., appeared for the respondent. The summons alleges that respondent failed to comply with the Commissioner's Order as contained in DOB Violation 24-01161, which was issued on 24 April 2024, and mandated that respondent provide an Engineer's Report within ten days of said DOB Violation. This summons was issued on 8 August 2024, more than three months post expiration of the ten-day time period. Thus, the summons alleges a violation of Section 28-201.1 of the Building Code.

Petitioner rested on the allegations contained within the four corners of the summons and the underlying history of the DOB Violation. I find that petitioner makes an initial showing of the violation.

Respondent counsel denied liability for the summons. She argued taht the underlying DOB Violation was never served in complaince with the legal requirements for such service. Counsel explained that respondent failed to respond in timely fashion because it was unaware of the Commissioner's Order. Counsel explained that per code section 28-209.2, "all orders issued by the Commissioner to correct an unlawful use or condition 'shall be served by regular mail or, uponconsent, electronically'." See DOB v. 27 BED STY HOUSING DEVELOPMENT Appeal no. 2400683.

In response to respondent's argument, petitioner's represnetative conceded that she was unable to locate a evidence, documentary or otherwise, that could even suggest that any attempt was made to mail the Commissioner's Order to respondent. Having failed to rebut respondent's argument, I find that respondent has established a valid defense. I find that respondent is not in violation.

The summons is dismissed.

	
04/09/2025	04/09/2025
Velly Polycarpe, Hearing Officer	Date