



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: 039107982L et al. (1 Summons) DEPT OF BUILDINGS, -against- BEDFORD ASSOCIATES Hearing Date: 10/10/2025 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
039107982L	Dismissed	03/07/2024	3619 BEDFORD AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B251	28-304.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, Bedford Associates, is charged with violating Section 28-304.1 of the New York City Administrative Code, a Class 2 violation, for defective car phone; misaligned cab mirror; missing in case of fire sign in basement; and worn car shoes. Respondent also did not provide information on where/how to obtain keys to roof/machine room. The Issuing Officer (I.O.) made this observation on March 7, 2024, at 8:10 a.m., at the premises located at 3619 Bedford Avenue, Brooklyn, New York

The Code requires that "[e]levators and conveying systems shall be maintained in a safe condition and in accordance with ASME A17.1, as modified by Appendix K of the New York city building code. Every new and existing elevator or conveying

system shall be inspected and tested in accordance with this article.”

At the hearing, Jennifer Clouden, Esq., represented Petitioner, NYC Department of Buildings. Phoebe Dossett, Esq., represented the Respondent, Bedford Associates. This matter had previously been adjourned for the I.O. Ms. Clouden stated that the I.O. was not available and the hearing proceeded.

Petitioner relied upon the sworn statement of the I.O. contained in the summons and submitted as evidence in support the Affidavit of Service; Overview of Complaint; elevator device records and history for 2 devices, OATH/ECB Violation Details; and Property Profile Overview (Petitioner's Exhibit 1). Ms. Dossett had indicated during the pre-conference that Respondent would be making a service challenge. Ms. Clouden asserted that the I.O. has no duty to push all the call bells. The I.O. gained entry into the building, made his observation, left the building to write the summons but then could not gain reentry into the building.

As to service, Ms. Dossett made a motion to dismiss and asserted that the I.O.'s statements on the Affidavit of Service are conclusory and contrary. The statement that he could not regain entry is untrue as the front door into the vestibule is unlocked and inside the vestibule is the super's name, phone number and apartment number along with all the call boxes to call the tenants. Additionally, this is a large building with 68 units and people are walking in and out. It was possible to gain entry and possible to contact the super. There is no statement from the I.O. that he rang bells, called the supe, or knocked on doors. As evidence in support, Ms. Dossett submitted a photograph showing the super's info posted; a google maps image, and HPD building info (Respondent's Exhibit A).

Ms. Dossett also requested mitigation and the Certificate of Correction package was submitted on 5/3/24 and approved by DOB (Respondent's Exhibit B). Ms. Dossett stated that 5/3/24 is the affidavit date, contractor performed the work on 5/2/24 and the invoice from the elevator company is dated 5/2/24. The first scheduled hearing date was 5/15/24.

In Response, Ms. Clouden stated that the initial submission was disapproved as one of the documents was not notarized and there was insufficient proof that all the corrections for all the violating conditions observed by the I.O. were made. Petitioner submitted as evidence the DOB disapproval form for the certificate of correction (Petitioner's Exhibit B). Additionally, Petitioner stated that Respondent has compliance after the first scheduled hearing date.

I credit the testimony and evidence submitted by the representatives for the Petitioner and Respondent. As to the service challenge, The I.O. wrote "Could not gain reentry or locate an auth rep to effectuate service." I find this statement to be conclusory as the I.O. did not detail any of the steps he took prior to resorting to the affix and mail method of service. As I am dismissing this violation for defective service, it is not necessary to address the merits of the summons.

Accordingly, this summons is Dismissed.

Eva Marie Russo-Lane

10/17/2025

10/17/2025

Eva Marie Russo-Lane, Hearing Officer

Date