



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: 039042844Z et al. (1 Summons) DEPT OF BUILDINGS, -against- CONG PR EITZ CHAIM Hearing Date: 12/19/2025 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
039042844Z	Dismissed	06/15/2021	2592 OCEAN AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B254	28-301.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, CONG PR EITZ CHAIM, appeared by its counsel, Phoebe Dossett, Esq.. and Petitioner, NYC Dept. of Buildings, (DOB) appeared by its counsel, Gurtej (TJ) Sahni, Esq.

The case was adjourned for the issuing officer, (IO) who did not appear as the IO is no longer employed with the DOB

The SUMMONS alleged a class 2 violation of Section 28-301.1 of the NYC Administrative Code for failure to maintain the building, specifically the IO observed "boiler door removed & wiring exposed".

As to service

Ms. Dossett moved to dismiss for defective service as the IO did not make a reasonable attempt to personally serve.

Mr. Sahni stated that service was proper.

Motion granted. Per Appeal No. 2000617 DOB v. 1185, Dean Management LLC dated July 16, 2020, the Board held that "the IO was not able to supplement the Affirmation of Service as petitioner can meet its service burden in the absence of any evidence that the IO made any attempt to serve accordance with the requirements of Charter Section 1049-a(d)(2)(b)"

I find the Affirmation of Service merely indicated that "TENN GAVE ACCESS, CLAIMS NOT RESPONSIBLE NOR IS THERE A RESPONSIBLE PARTY ON SITE." I find that petitioner failed to establish that service was proper per NYC Charter Section 1049-a(d)(2) as there was no description of the IO's efforts to find a responsible party.

As to the merits.

Ms. Dossett stated that her client denied the violation and that she could not rebut the prima facie case.

I credit the allegations in the SUMMONS and find they support a violation of Section 28-301.1. I further find the allegations support a designation of a class 2 because the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action. I do not credit the dispute of the factual allegations and find no valid defense was presented. However, this SUMMONS is dismissed for defective service.

Accordingly, I dismiss.

Linda Agoston

12/30/2025

12/30/2025

Linda Agoston, Judicial Hearing Officer

Date