



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: 039150944Y et al. (1 Summons) DEPT OF BUILDINGS, -against- DANMOR REALTY CORP Hearing Date: 03/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039150944Y	Sustained	06/12/2025	235 ELDRIDGE STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Respondent appeared by its attorney Phoebe Dossett, Esq. to respond to the charge that at a six story building there was exposed metal cornice molding at roof [which was] deteriorated creating an opening, hanging piece of metal exposing building to wildlife and outside elements.

Petitioner appeared by its attorney Anuj Vaidya, Esq.

The Prior Adjournment

The hearing was previously adjourned pursuant to an adjournment order dated August 21, 2025 due to Respondent's service objection and for the appearance and testimony of the IO. Mr. Vaidya advised that the IO was unable to appear and testify. Ms. Dossett objected to another adjournment for the IO's appearance. Mr. Vaidya stated that the hearing could go forward as the Affirmation of Service clearly demonstrates that the IO could not find anyone to serve with the summons and that if the IO was to testify he would say the same thing during the hearing. The hearing then proceeded.

Respondent's Objection To Service Of The Summons

The Affirmation of Service sets forth that the IO "physically searched the site perimeter and did not find anyone connected or attached to the site that is able to accept service on behalf of the respondent, no agent, Owner LLC or corporation or authorized person to accept service on behalf of respondent". "I [was] unable to located anyone responsible or owner or agent to accept service on behalf of property owner". "Posted at Main Entrance DOOR".

Ms. Dossett argued that service is defective because there is a panel with tenant buzzers as well as a management office and front desk. Further, searching the perimeter of the premises is not required as the subject premises is not a construction site. Ms. Dossett submitted HPD documents for the subject premises (six story building with 22 units) and a photo of the building from Google maps dated September 2024.

Mr. Vaidya responded that the attempted service and posting is consistent with the law and objected to the google photo stating that the photo fails to establish what access is available and that the image shows a fence around the building which could have impeded access.

Charter § Section 1049-a(d)(2) permits service of a summons by affixing it to a conspicuous place at the cited premises after making a reasonable attempt to deliver it to a person in the premises upon whom service may be made as provided in Article 3 of the NYS Civil Practice Law and Rules (CPLR) or Article 3 of the NYS Business Corporation Law. Based on the record before me I find that service was effectuated on Respondent.

CPLR 311(a)(1) allows personal service upon a corporation by delivering process to "an officer, director, managing or general agent, or cashier or assistant cashier or to any other agent authorized by appointment or by law to receive service".

Based on the record before me I find that service was effectuated on Respondent. Thus it can and should be inferred from the Affirmation of Service and the IO's statement therein that the IO was unable to locate anyone who was authorized to accept service of the summons. See *FDNY v. Avenue W Holdings LLC*, Appeal No. 2501527-28 (February 26, 2026). Further while purportedly there is an on-site management office and reception desk no evidence was submitted to support this and that there was someone available at those locations to accept service and that the IO had access to those locations.

Ms. Dossett stated that Respondent has no response on the merits and has no factual or class challenge.

Mr. Vaidya stated that Petitioner rests on the summons.

I credit the IO's observations as described in the charge which support a violation under the cited code section.

Accordingly the summons is **sustained**.

Melanie Finkel

03/19/2026

03/19/2026

Melanie Finkel, Judicial Hearing Officer

Date