



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: 039119622X et al. (1 Summons) DEPT OF BUILDINGS, -against- ERENBURG, SOFIA Hearing Date: 02/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039119622X	Sustained	07/22/2024	3001 OCEAN PARKWAY Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq. appeared on behalf of Respondent for a phone hearing on February 24, 2025 in response to the above-issued summons. Anna Erenburg also appeared as a witness on behalf of Respondent. Dallas Mahan appeared on behalf of Petitioner DOB. Inspector Waldemar also appeared on behalf of Petitioner.

The inspector testified that there were workers at the premises; the workers called the owner on the phone regarding service; the person he spoke with on the phone stated that she could not be present for the service; he posted the summons at the front door; and that the Respondent is an individual person so he had to serve the summons on an individual. Petitioner relied on the sworn statements contained in the summons. Petitioner submitted the affidavit of service and photos in support.

In response to questioning by Respondent, the inspector testified that a fellow worker was with him at the time of inspection; he asked the workers to call the owner; he did not verify the name of the person he spoke with on the phone; the worker said that he connected him with the person who hired them for the job; he does not recall whether he spoke with a Sophia or Anna Erenburg; he asked the workers to call the owner of the property; he asked the person on the phone whether they were available to accept service, and they said they could be there in 30-45 minutes; he did not gain access to the premises; he spoke on the phone for a couple of minutes; the person on the phone said to post the summons because they could not be there to accept it; they discussed the violation; they posted the summons on the first floor door; and he used the platform to access/post the summons on the door.

Ms. Erenburg testified that she is the daughter of the named Respondent; she does not own the property; Sofia and Irena Erenburg are the deed owners of the property; one of the workers called her during the DOB inspection; she did not speak with the Inspector Waldemar, which she knows because of the accent; she is not the owner of the property; she was not asked if the owner was present; she was told DOB was there as a result of a 311 complaint; they discussed the details of the potential violation; she was not asked if she could accept the summons; service was not discussed; the workers did not tell her where the summons was posted; the worker said he was given a piece of paper; she believes the summons was handed to the worker; this is a residential building; and a 3-family house with one apartment first floor including the basement.

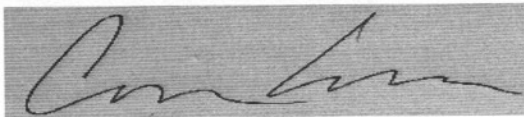
In response to questioning by Petitioner, Ms. Erenburg testified that Sofia Erenburg did not live at the premises at the time the summons was issued

In response to further questioning by Petitioner, the inspector testified that they are not allowed to hand a summons to anyone that is not the Respondent.

Respondent claimed that service was improper; there was not a reasonable attempt to serve Respondent at the time of inspection; the person the inspector spoke with was not the named Respondent; they did not call the owner of the property; the summons was not posted in a conspicuous manner; the worker stated that it was handed to a worker; and the AOS says that the posted on the front door, but the photos show that the front door is inaccessible.

Petitioner claimed that it is not Respondent's home, so substitute service is not permissible; it has to be service via suitable age/discretion; substitute service would not be permitted; and Respondent did not appear to testify. Petitioner submitted a photo of the summons posted on the door.

I credit the observations contained in the summons, the inspector's testimony, and the evidence submitted, and find that Petitioner proved this violation by a preponderance of the evidence. The Court further finds that service was properly effectuated, and that the officer made a reasonable attempt to service prior to affixing at the premises. The inspector testified that he asked the workers to call the owner of the property and that he spoke with the person he was connected with, believing them to be the owner. Furthermore, Respondent argued that the inspector did not post the summons to the door. This was contradicted by the inspector's photo evidence showing the summons posted on the door. I do not credit Anna Erenburg's testimony that she did not speak with Inspector Waldemar at this time, or that service of the summons was not discussed. Furthermore, Anna Erenburg testified that Respondent Sofia Erenburg did not live at the place of occurrence at the time the summons was issued. I find that a reasonable attempt to serve the summons was made prior to posting at the summons at the premises. Therefore, the summons is sustained.



02/24/2025

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Corey Lederman, Hearing Officer

Date