



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: 039534116L et al. (1 Summons) DEPT OF BUILDINGS, -against- Sahara Contractor Corp Hearing Date: 01/22/2026 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
039534116L	Sustained	11/01/2024	5614 3 AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq., appeared on behalf of the Respondent Sahara Contractor Corp.

Kim Manas, Esq., appeared on behalf of the Petitioner, the DOB.

The issuing officer was unavailable for the hearing.

The summons alleges a violation of NYC Building Code miscellaneous violations, with the officer stating, observed CFS modified by cutting, notching, & splicing w/ imposed loads affecting structural stability, presenting possible collapse hazards

& is not in compliance w/ section 3305.8.1 of building code.

Ms Manas presented 37 photos of the site, including 10 photos of the conditions cited in the summons (Petitioner's 25-36).

Ms Dossett challenged service.

The summons was served using NYC Charter 1049-a(d)(2), affix and mail service, with the officer stating, "I made the following reasonable but unsuccessful attempt to effectuate service upon Respondent or upon any other person who service may be made as follows: Knocked on door, call out to workers, but no answer. A true copy of the notice of violation was posted at the following conspicuous place on the premises where the violation occurred: Exposure #1 entrance."

Ms Dossett called into question the officer's statement, stating that the photographic evidence presented by the Petitioner demonstrates that the issuing officer gained access to the property, presumably with the assistance of the workers on site, yet the narrative in the affidavit of service states the following the officer was unable to contact any workers.

Ms Manas said that officers in the normal course of business, inspect building sites and then return to their car to write the summonses.

Ms Dossett stated that the narrative is unclear as to whether any workers are present on site and argues that "calling out" is not a reasonable attempt without a narrative that establishes that workers are not present on the site or that workers were on site and refused to accept service.

Ms Manas said that the absence of workers is implied by the statement that the officer knocked at the door.

I find that the clearest reading of the officer's statement is that he was unable to access the site after knocking on the door and calling out to workers and thus that service was not defective.

Ms Dossett challenged the class of the summons. She stated that a partial stop work order was issued and that it was rescinded upon Petitioner's receipt of a letter from PE who inspected the CFS and confirmed its stability and presented a DOB compliant overview in support.

Ms Manas moved to amend the summons to Class 2 as more appropriate to the violation.

Ms Dossett denied the violation.

I find that while the CFS structure may have been stable, its construction was in violation of 3305.8.1, which requires that cutting, notching, and splicing of cold-formed steel structural members shall be performed only in accordance with specifications as indicated on drawings, approved by a registered design professional.

The summons, as amended, is sustained.

Sean Gralton

01/28/2026

01/28/2026

Sean Gralton, Judicial Hearing Officer

Date