



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# : 039534117N et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

Sahara Contractor Corp

Hearing Date : 1/22/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 5,000.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039534117N	Sustained	11/01/2024	5614 3 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B209	BC 3301.2 & 27-1009(a)	Sustained	5,000.00

Total Penalty for Summons: 5,000.00

Findings of Facts & 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 Class 2 violation of NYC Building Code 3301.2 & NYC Administrative Code 27-1009(a), failure to safeguard all persons and property affected by construction operations. GC failed to adequately protect residents at the adjacent properties at exposures #2, #3, and #4, observed no OHP in the rear of job presenting struck by hazards for public and possible property damage. This condition is a clear violation that is not in compliance w/section 3301.2 of the building code.

Ms Manas presented 37 photos of the site, including 4 photos of the conditions cited in the summons.

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.

With regards to the merits of the summons, Ms Dossett denied the allegations but made no rebuttal.

The summons is sustained.

 01/23/2026	01/23/2026
Sean Gralton, Judicial Hearing Officer	Date