



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: 039534119R 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
039534119R	Sustained	11/01/2024	5614 3 AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B181	BC 3303.4 & 27-1018	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 Class 1 violation of NYC Building Code 3303.4 and NYC Administrative Code 27-1018, with the officer stating, failure to maintain adequate housekeeping per section requirements. Observed excessive debris scattered throughout

the site as we as combustible material not in compliance with 3303.4.4 and 3303.5.1 of the building code.

Ms Manas presented 37 photos of the site, including 9 photos of the conditions cited in the summons (Petitioner's 11, 12, 16, 17, 23, 27, 28, 37, and 38).

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 class, stating that the photo, Petitioner's 45, shows debris is inaccessible to the public, and that if an area is inaccessible to the public, cleaning the area once a day is acceptable. Ms Dossett stated that the other items noted were construction items and said that the property is a construction site and doesn't pose a risk to the public.

Ms Manas stated that the code also requires containers made of no combustible materials, and cited Petitioner's 45 which she said indicated the absence of any debris containers.

I find that the extent of the combustible material found in the back of the site as depicted in Petitioner's 45 is severe and constitutes an immediate hazard, especially in light of the apartment windows of the adjacent building looking out directly onto the cited area, no more than 5-10 feet away. Based upon the condition of the debris depicted in Petitioner's 45, including leaves on some layers of material and not on others, I do not credit the Respondent's implication that the area is cleaned once per day. Further, the overall condition of the site, as depicted in Petitioner's other photos, many of which show construction debris scattered about the site, support the charge of failure to maintain adequate housekeeping.

The summons is sustained.

Sean Gralton

01/29/2026

01/29/2026

Sean Gralton, Judicial Hearing Officer

Date