



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: 039094785M et al. (1 Summons) DEPT OF BUILDINGS, -against- ANTMAN MARVIN Hearing Date: 02/19/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039094785M	Dismissed	09/14/2023	4310 BEDFORD AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Summons: 039094785M

Hearing date: 2/19/26

Appearing for petitioner: Andrew Berger, Esq.

Witness(es):

Appearing for respondent: Phoebe Dossett, Esq.

Witness(es):

The charge dated 9/14/2023, was electrical and plumbing work without a permit.

Respondent made a preliminary motion to dismiss the summons on the ground of defective service.

The affidavit of service states that there was no authorized person to receive the summons.

The mailing address for respondent is in New Jersey.

Respondent argued there is nothing to indicate to whom the issuing officer spoke, and that the statement is conclusory.

Petitioner submitted Appeal 2500591 (6/2025) in which in a similar case the Appeals Tribunal found service proper. The respondent did not live at the cited location (reasonably inferred) and the assertion that respondent was at home was not credible.

When the respondent does not live at the cited location service on a person of suitable age and discretion is not available.

Findings of Fact and Conclusions of Law:

I find service was proper.

Merits:

Petitioner augmented the summons with three photographs.

Respondent argued the summons was defective because it parroted the statute and did not allege where in the property the alleged unpermitted work occurred. Respondent cited Appeal 2400218, and argued that was a similar case where the Appeals Tribunal held the summons was defective. In that case there had been an RCA, and the summons simply alleged work in the cellar with no permit. The Appeals Tribunal held respondent was entitled to know what work was alleged. The detailed RCA could not be incorporated by reference because it was not served along with the summons.

Petitioner responded that in the instant case the word "electrical" tells respondent what was required by the code; further, this is a two-family house and respondent could not fail to know where the cited work took place.

Respondent further asserted there was nothing to support the class 1 designation.

Petitioner responded the photographs showed extensive electrical work and plumbing work, and there was no indication of who performed such work. It was a hazard.

Findings of Fact and Conclusions of Law:

If the summons is defective, photographs cannot augment it. The summons must stand on its own feet. Photographs can, however, support the class designation.

48 RCNY §6-08 (c) "*Contents of Summons*. The summons must contain, at a minimum:

(1) The name and address, **when known**, of a Respondent;

(2) A clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the **essential facts** alleged to constitute the violation or the violations charged, including the **date, time where applicable, and place** when and where such facts were observed;

(3) Information adequate to provide specific **notification of the section or sections of the law, rule or regulation alleged to have been violated**;"

I find that even if respondent was necessarily on notice of the work due to the size of the property, the summons must still inform respondent of the **essential facts** alleged to constitute the violation; here, the locations of the alleged work. The summons is a discrete charge. No outside matter can be entertained to support it if it is defective.

I agree with respondent.

Accordingly, I dismiss the charge as defective.



02/19/2026

02/19/2026

Clive Morrick, Judicial Hearing Officer

Date