



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                                          |                                                                                                                                                                                                                                                                        |
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| <b>Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC</b><br><b>592 Pacific Street 1st Floor</b><br><b>Brooklyn, NY 11217</b> | <b>Summons No: 039129594R et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>VASILOPOULOS DEMETRA</b><br><br><b>Hearing Date: 02/17/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$625.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>         |
|------------------|----------------------------|---------------------------|------------------------------------|
| 039129594R       | Sustained                  | 11/06/2024                | 149-24 CROSS ISLAND PARKWAY Queens |

| <b>LINE ITEM</b> | <b>OATH CODE</b> | <b>CODE SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|------------------|------------------|--------------------------|---------------|----------------|
| 1                | B202             | 28-301.1                 | Sustained     | \$625.00       |

**Findings of Fact & Conclusions of Law**

Cassie Rene and Brianne McGuirk appeared for Petitioner. Phoebe Dossett appeared for the Respondent charged with a class 2 violation of NYC Adm code §28-301.1 for failing to maintain a building in a code compliant manner.

I.O. McGuirk #3675 testified to the facts as stated in the details of violation. Petitioner submitted photographs and a copy of the request for corrective action (RCA) and then rested on the sworn details of violation (Pet. exhs. 1-2).

Respondent moved to dismiss the summons for improper service arguing that the issuing officer's testimony did not establish that he made a proper inquiry before resorting to alternative service. Respondent argued that the issuing officer should have

determined if the person he questioned was of suitable age and discretion, not if he was authorized to accept service.

On the merits, Respondent challenged the class 2 designation stating that the cited curb cut is not a major violation.

Petitioner stated that service was proper. She argued that the issuing officer attempted to serve someone of suitable age and discretion who refused to accept the summons. As the officer indicated that there was no one else that he could serve, he posted the summons.

With regard to the class challenge, Petitioner stated that the class 2 designation was valid as the RCA cited the violation as a class 2 infraction, and cutting the curb without a permit; without DOB approval, was disruptive to the sidewalk, gutter flow, and no review was done as to possible safety or structural issues.

I find that service was proper.

I credit the Petitioner, and sustain the class for the reasons argued by the Petitioner.

The summons is upheld and the approved class 2 penalty is imposed.



02/19/2026

02/19/2026

Susan Kippins, Judicial Hearing Officer

Date