



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: 039158084J et al. (1 Summons) DEPT OF BUILDINGS, -against- 3420 REALTY LLC THEO MANAGEMENT CORP Hearing Date: 04/07/2026 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
039158084J	Dismissed	08/22/2025	3420 30 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	27-Misc, 28-Misc, BC -Misc	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

For the reasons stated below, the summons is dismissed.

Phoebe Dossett, Esq. appears for the Respondent, and Rafeena Khairullah, Esq. and Issuing Officer Vishwanath Dudnath, Badge #2994, appear for the Petitioner Department of Buildings (DOB).

The sworn summons states, "the failure to comply with DOB requirement of permit sign off. 28-Misc."

As evidence, Petitioner submits the overview complaint which states the failure to comply with permit sign off. Permit

#Q00769333 issued 11/20/22 exp ed 11/20/23, the job listed by the DOB stating the mechanical system and job description with the replacement of a natura gas generator with plumbing, and the specific work permit issued referencing the job number, address in question, number of dwelling units and the date of said permit (11/20/22-11/20/23). The IO testifies that Respondent did not sign off on the above-referenced work permit. He also admits that when he wrote up the overview complaint and transferred it to the summons that was served upon the Respondent, the last line was cut out -- PERMIT # Q00769333 ISSUED 11-20-2022 EXPIRED 11-20-2023. WORK IS COMPLETED. He did not know why or how it happened and only noticed it on today's hearing date when he was reviewing his notes. The summons has no reference to any permit number, job number, expiration date, or any other specifics. No specific rule of law was cited in the summons.

Now, eight months later, Petitioner's attorney is moving to amend the summons and assert a violation of the NYC Administrative Code 28-116.4. She claims there was no prejudice because the narrative has specific information, and the Respondent owner knew he would be required to sign off on a permit, as part of his duties and responsibilities as an owner.

Respondent's attorney moves to dismiss the summons on the ground that it is facially defective and does not give her client adequate notice of the charges against it. **Section 6-08(c)(2)** of the OATH Rules of Practice for the City of New York requires that the Summons must contain, at a minimum, 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. The summons does not even allege a specific violation, nor are the facts sufficient to inform Respondent of the allegations against it. It merely states the failure to comply with DOB requirement of permit sign off. What permit? When was such permit issued? What kind of permit? What is the permit number? Although the IO states that it was a clerical error and the information on his overview complaint did not transfer to the one Respondent received, it ignores the fact that Respondent never knew any of these specific facts alleged against it.

Respondent's attorney submits two Appeals' decisions for this proposition, both addressing Misc. ZR provisions as insufficient. See *DOB v. Columbus/Amsterdam Associates*, Appeal No. 2400150 (March 28, 2024) and *DOB v. Koula Merousis*, Appeal No. 2500010 (February 27, 2025) (the IO writing "ZR-Misc." as the relevant provision of law but did not indicate a specific section of law charged... The narrative portion of the summons did not identify any specific ZR provision either; it ordered Respondent to "[c]omply with zoning resolution" but again cited only "ZR-Misc." The summons thus failed to provide adequate notice). Plus, the Appeals' decision of *DOB v. Thind Builders NY Inc.*, Appeal No. 2401480 (November 21, 2024) reversed a JHO's decision and dismissed the summons on these same grounds, stating, "The summons merely cites as the provision of law a miscellaneous charge under BC Chapter 33 but does not identify a specific section charged, rendering it defective. [citing to *1296 Sheridan Associates LP*, 2001387 (summons dismissed where the summons cited to a miscellaneous charge under 1 RCNY and the Reference Standard but did not identify a specific section charged)]." *Thind Builders* further states, "Nor does the narrative portion of the summons identify any specific section of the BC. [] On this record, the Board finds that the summons fails to comport with 48 RCNY § 6-08(c)(3)." See also *DOB v. SD Builders and Construct*, Appeal No. 2401666 (January 30, 2025).

Petitioner's attorney counters with two different Board decisions -- *DOB v. Chiang Lam*, Appeal No. 2300289 (June 29, 2023) and *DOB v. Ben Rubin*, Appeal No. 2401733 (February 27, 2025), and states that Petitioner can amend at any time. However, these two cases both listed specific provisions initially, but later moved to amend so that the new amended charges fit better with their facts. In the instant summons, no specific provision was ever listed, and the facts alleged are skimpy and bare bones.

Similar to the facts alleged in *Columbus/Amsterdam Associates*, *Koula Merousis*, and *Thind Builders NY Inc.*, the summons in this matter asserts misc. violations ("27-Misc., 28-Misc., and BC-Misc.") without giving a specific provision. As such, this summons did not properly inform Respondent with reasonable certainty the section of law it is being accused of violating. Nor are the facts detailed and specific to give Respondent adequate notice of any charges against it. As such, the summons is dismissed pursuant to Rule 6-08(c)(3).

Janine Azriliant

04/07/2026

04/07/2026

Janine Azriliant, Judicial Hearing Officer

Date