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# : 035593595M et al. (3 summonses) DEPT OF BUILDINGS, -against- LINDEN 88 INC. Hearing Date : 3/17/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 0.00	Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035593595M	Dismissed	08/10/2024	915 55th ST , Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210 .1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035593597X	Dismissed	08/10/2024	915 55th ST , Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210 .1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035593598H	Dismissed	08/10/2024	915 55th ST , Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E8	28-210 .1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Taylor Barje, Esq. appeared for the Petitioner. Phoebe Dossett, Esq. appeared for the Respondent.

Respondent moved to dismiss the summonses for defective service. She stated that the affidavit of service fails to establish the there was a reasonable attempt at personable service before resorting to alternative service.

The affidavits of service state "no responsible party". A true copy of the violation was posted . . . on entrance door."

The issuing officer was no longer available to testify.

NYC Charter section 1049-a(d)(2) allows for alternative service, but only after there has been a reasonable attempt at personal service.

Respondent argued that there was insufficient information to establish that the issuing officer made a reasonable attempt at personal service before resorting to alternative service. She argued that statement on the affidavit was conclusory and contained no specific facts as to what efforts were made to serve the summons personally.

I credit the Respondent and find that the affidavit of service fails to establish that there was a reasonalbe attempt a personal service. Alternative service was therefore improper.

The summonses are dismissed.

03/17/2026

03/17/2026

Susan Kippins, Judicial Hearing Officer

Date