

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of the Complaint of

**DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,**

Complainant,

DECISION

-against-

ALLEN SOSIS,

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on April 15, 1997 at the office of the Department of State located at 270 Broadway, New York, New York

The respondent, of Prominent Realty Ltd., 210 East Sunrise Highway, Suite 303, Valley Stream, New York 11581, did not appear.

The complainant was represented by Assistant Litigation Counsel Scott L. NeJame, Esq.

COMPLAINT

The complaint alleges that the respondent operated an unlicensed real estate brokerage business.

FINDINGS OF FACT

1) On March 18, 1997 notice of hearing together with a copy of the complaint was mailed to the respondent by certified mail addressed to him at the residence address appearing in the complainant's records. That mailing was returned undelivered by the United States Postal Service. On March 26, 1997 a second copy of the notice and complaint was mailed to respondent by regular first class mail addressed to him at Executive Brokerage, Inc., 87 Rockaway Avenue, Valley Stream, New York 11580 (State's Ex. 1).

2) Since February 26, 1996 the respondent has been duly licensed as a real estate broker representing Prominent Realty Ltd., 210 East Sunrise Highway, Suite 303, Valley Stream, New York (State's Ex. 2).

OPINION AND CONCLUSIONS OF LAW

Pursuant to Real Property Law §441-e[2], a disciplinary hearing against a real estate broker must be commenced with the service of notice upon the licensee either in person, by mailing the notice by certified mail to the last known business address of the respondent, or by any method of service authorized by the CPLR.

The complainant's records clearly show the last known business address of the respondent as being Prominent Realty Ltd., 210 East Sunrise Highway, Suite 303, Valley Stream, New York 11581. However, the notice of hearing was sent by certified mail to his home address, and by uncertified mail addressed to him at Executive Brokerage, Inc., 87 Rockaway Avenue, Valley Stream, New York 11580. Those mailings do not comply with the statutory requirements, and, therefore, the complainant has failed to acquire personal jurisdiction over the respondent. Accordingly, the complaint must be dismissed.

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT the complaint in this matter is dismissed without prejudice.

Roger Schneier
Administrative Law Judge

Dated: May 23, 1997