

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

Complaint No.: 2016-0779

-against-

**GEORGE HOGANS, MEIR ROTH,
and GALLERIA NYC LLC,**

Respondents.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on February 5, 2019 at the office of the Department of State located at 123 William Street, New York, New York.

Respondents Meir Roth and Galleria NYC LLC entered into a settlement agreement prior to the hearing. Respondent Hogans failed to appear.

The complainant was represented by Matthew Wolf, Esq.

COMPLAINT

The complaint, as it applies to Mr. Hogans, alleges that the respondents offered an apartment for rent without working knowledge of its legal status, retained an unearned commission, and failed to cooperate with the complainant's investigation.

FINDINGS OF FACT

1) Notice of Hearing together with a copy of the complaint was served by regular and certified mail addressed to Mr. Hogans at his last know business address: Bond New York Properties LLC, 853 Broadway, 15th Floor, New York, NY 10003. The certified mail was delivered to someone other than Mr. Hogans sometime prior to December 10, 2018, and the regular mail

was not returned by the Postal Service. A subsequent notice of adjournment was sent to Bond New York Properties LLC without Mr. Hogans' name in the address (State's Ex. 1).

2) Mr. Hogan's license as a real estate salesperson associated with Bond New York Properties LLC expired on May 4, 2017 and has not been renewed (State's Ex. 2).

3) No evidence of mailing to Mr. Hogans' home address was presented, although a home address does appear in the complainant's records (State's Ex. 1 and 2).

OPINION AND CONCLUSIONS OF LAW

To obtain personal jurisdiction and bind Mr. Hogans to the agency decision the complainant must properly serve the respondent with notice of the hearing and a copy of the Complaint and afford him the opportunity to be heard. See, Siegel, New York Practice § 58 (4th ed. 2005). Service of the Notice of Hearing and Complaint in this matter was made by certified and regular mail addressed to Mr. Hogans only at his last known business address appearing in the records of the Department of State. However, as of May 4, 2017 Mr. Hogans was no longer licensed, and, therefore, there is no reason to believe that he was present at the last known business address and/or received the Notice of Hearing and Complaint. To further compound matters, the Notice of Adjournment was sent to that business address but without Mr. Hogans' name on it. I find, therefore, that service was defective and that the complainant failed to obtain personal jurisdiction over Mr. Hogans. Accordingly, the complaint must be dismissed.

DETERMINATION

WHEREFORE, IT IS HEREBY DETERMINED THAT the complainant is dismissed.

/S/
Roger Schneier
Administrative Law Judge

Dated: February 25, 2019