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### Valentin v. Dormeus

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#### Recommended Citation

"Valentin v. Dormeus" (2022). *All Decisions*. 616.

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CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS: HOUSING PART C

-----X  
MARIE VALENTIN,

Index No. HP 245/22

Petitioner,

-against-

**DECISION/ORDER AFTER  
INQUEST**

ROGER DORMEUS,

Respondent,

-and-

DEPARTMENT OF HOUSING PRESERVATION  
AND DEVELOPMENT (DHPD),

Respondent.

-----X

Present:

Hon. CLINTON J. GUTHRIE  
Judge, Housing Court

Recitation, as required by CPLR § 2219(a), of the papers considered in the review of petitioner's order to show cause for the correction of violations and for a finding of harassment and for a restraining order:

<b>Papers</b>	<b>Numbered</b>
Order to Show Cause & Verified Petition Annexed.....	<u>1-2</u>
Certified Mail Receipt (Exhibit 1).....	<u>3</u>

Upon the foregoing cited papers and the hearing had thereon, the decision and order after inquest is as follows.

PROCEDURAL HISTORY AND INQUEST

Petitioner commenced this HP action in April 2022. At the first court date, on May 6, 2022, petitioner appeared with counsel and respondent-owner Roger Dormeus failed to appear.

The action was adjourned to May 27, 2022 for inquest. On May 27, 2022, respondent-owner failed to appear by the court's default time and the court conducted an inquest. Respondent DHPD was present, through counsel, at both court dates.

At the inquest, petitioner's attorney called petitioner as the sole witness. Petitioner testified with an official Haitian Creole interpreter. At the outset, petitioner confirmed that the conditions in the apartment had been corrected and petitioner's attorney advised the court that petitioner was no longer seeking an order to correct. Petitioner testified that she lives at 220-12 102nd Avenue, Queens Village, New York. She testified that she moved into the premises in September 2019. Petitioner testified that her landlord is Roger Dormeus, and that she previously had a second landlord, Marie Carmel Lazar, but that she had moved out. Petitioner explained that Mr. Dormeus lives in a house that adjoins her own.

Petitioner testified that she sleeps in the attic at the subject premises (which, she explained, is the space that she rented). She also testified that she has an agreement to use the kitchen and bathroom on the second floor. Petitioner testified that after Ms. Lazar moved out, respondent-owner cut the electricity and gas (which was around October 2021). Petitioner recalled that she had to use a flashlight to walk down stairs. She explained that there was still electricity on the first floor, but that there was no electricity on the second floor, where she uses the kitchen and bathroom. Petitioner testified that she believed that these services were cut because she could not pay \$1,700.00 in rent. Petitioner testified that respondent-owner was aware of the electricity and gas outage at this time, as he also came to the second floor with a flashlight, removed a light switch, and was calling petitioner a "thief" and "greedy."

Petitioner next testified to a water shutoff in the second floor kitchen for approximately 2 weeks before she commenced the instant action. Petitioner testified that there was an incident at

the time of the water outage in the second floor. Respondent-owner told petitioner that he was not going to fix the water, that she was a “thief” and “greedy” and that if she wanted water, she could urinate. Petitioner testified that respondent-owner then opened a door hard and although she tried to move, she was hit by the door. Petitioner testified that after this, respondent-owner came forward as if to knock her phone out of her hand. Petitioner testified that she then called the police and that they took a report. Later the same week, petitioner testified that respondent-owner blocked her from passing and only moved when he saw that petitioner was preparing to record him.

Finally, petitioner testified that all of her utilities were restored before a city inspector came to the building. Petitioner testified that they were restored on a Sunday before the inspection. The court took judicial notice of the inspection request for this action, which included an inspection date of April 27, 2022. After the court admitted petitioner’s certified mail receipt as proof of service (Exhibit 1), petitioner rested and the court reserved decision.

#### DISCUSSION & CONCLUSION

Upon due deliberation, the court holds that petitioner has established that respondent-owner harassed her in violation of NYC Admin. Code § 27-2005(d). The court finds petitioner’s testimony credible. The testimony demonstrated that respondent-owner engaged in multiple forms of harassment defined in NYC Admin. Code § 27-2004(a)(48)), namely: “repeated interruptions or discontinuances of essential services...[and] an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair the habitability of [the] dwelling unit” (27-2004(a)(48)(b)) and “using force against [and] making express or implied threats that force will be used against, any person lawfully entitled to occupancy of [the] dwelling unit” (27-2004(a)(48)(a)). The court finds that these actions were

intended to cause petitioner to vacate her dwelling unit and to surrender or waive her rights as a tenant.

Having determined that respondent-owner engaged in harassment against petitioner under the Housing Maintenance Code, the court hereby ORDERS following relief pursuant to NYC Admin. Code §§ 27-2115(m) and § 27-2115(o):

(A) The court finds that a class “C” violation existed as a result of the harassment and that such violation existed at the time that petitioner commenced this action, on April 18, 2022. The court further finds that the violation is not deemed a continuing class “C” violation;

(B) The court restrains respondent-owner Roger Dormeus from violating NYC Admin. Code §§ 27-2005(d) and 27-2004(a)(48), and is directed to ensure that no further violation occurs;

(C) The court imposes a civil penalty against respondent-owner Roger Dormeus in the amount of \$4,000.00, which shall be payable to the New York City Commissioner of Finance;

(D) The court awards statutory compensatory damages in the amount of \$1,000.00 to petitioner, which shall be subject to a judgment in favor of petitioner and against respondent-owner Roger Dormeus; and

(E) The court will award petitioner reasonable attorneys’ fees, in accordance with NYC Admin. Code § 27-2115(o). A hearing on attorneys’ fees will be scheduled for July 8, 2022 at 9:30 AM, Part C, Room 407, 89-17 Sutphin Boulevard, Jamaica, New York 11435. Petitioner’s attorneys shall email any proposed exhibits for the hearing to the court ([jcollado@nycourts.gov](mailto:jcollado@nycourts.gov)) on or before July 5, 2022.

A copy of this Decision/Order will be emailed to the attorneys for petitioner and DHPD. Petitioner’s attorneys shall serve a copy of this Decision/Order upon respondent-owner Roger

Dormeus at the address stated in the petition by first class mail with certificate of mailing on or before June 7, 2022.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

Dated: Queens, New York  
May 31, 2022

  
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HON. CLINTON J. GUTHRIE  
J.H.C.

**SO ORDERED - HON. CLINTON J. GUTHRIE**