



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 035681241P et al. (1 Summons) DEPT OF BUILDINGS, -against- BATALIAS, ANTONIA Hearing Date: 06/08/2026 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
035681241P	Dismissed	09/13/2024	38-07 27 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1G1	28-207 .4.4 28-207.4.5	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons was issued on September 13, 2024 with a return date of November 20, 2024.

Attorney Daniel Brickman appeared for Petitioner, Department of Buildings and Attorney Frank Tamberino appeared for Respondent, BATALIAS, ANTONIA, on June 8, 2026

Respondent is charged with NYC Administrative Code Section 28-207.4.4. The allegation is designated as a Class 1 immediate hazardous.

Summons alleges that ...removed or defaced written posted vacate order ...a written posted vacate order has been removed from the front entry door, vacate order...issued on 9/10/2018 and still active...

Petitioner rested on the summons.

Respondent argued that the made attempts to change the vacate order, which was weather worn. Respondent submits an email chain, see Respondent Exhibit A, requesting the change. Respondent relied on appeals decision DOB v. Nancy Laurent-Lassegue, Appeal No. 2400924 (July 25, 2024).

Petitioner stated that they had nothing further.

New York City Administrative Code Section 28-207.4.4 provides...It shall be unlawful to remove or deface a written posted vacate order from the location where it was affixed unless and until such vacate order has been rescinded by the commissioner. The owner or other person in control of the location shall ensure that the vacate order remains posted until rescinded by the commissioner.

I credit Respondent's argument and evidence. Although it is not a defense that adverse weather condition deteriorated the vacate order, I find that Respondent took action to ensure the vacate order remained posted by contacting DOB multiple times for a replacement vacate order. DOB v. Joseph Mohabir, Appeal No. 2300842 (July 27, 2023).

Accordingly, the Summons is dismissed.

Iyayi Uwa

06/10/2026

06/10/2026

Iyayi Uwa, Judicial Hearing Officer

Date