



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 037031911N et al. (1 Summons) DEPT OF BUILDINGS, -against- MARCEL BENOIT Hearing Date: 06/01/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037031911N	Sustained	12/16/2024	1681 Flatbush Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B265	AC 28-303.7	Sustained	\$625.00

Findings of Fact & Conclusions of Law

Frank Tamberino appeared as the authorized representative of the Respondent. Petitioner appeared by Jennifer Clouden.

Respondent is charged with a Class 2 violation of Administrative Code 28-303.7 for failing to comply with the cited code requirements, as described in the summons.

Petitioner stated that the cited boiler is listed as active, and Respondent is required to file the annual boiler report; however, there was nothing submitted to show that the boiler was removed.

Mr. Tamberino submitted Respondent's final gas bill from National Grid and stated that there was a fire in 2018. Mr. Tamberino also stated that the boiler was last active in 2018, and the boiler was shut off and out of commission since the fire.

Petitioner rebutted and stated that Department of Buildings did not receive anything about the cited boiler being removed. Petitioner also stated that Respondent is stil required to show that the boiler was removed from the place of occurrence and inform the Department of Buildings.

Petitioner submitted boiler details, boiler query, Property Profile Overview, and DOB violation details.

I find that Respondent failed to establish a valid defense or credibly rebut the violation. The \$625 penalty is imposed.

Sustained.

	
07/06/2026	07/06/2026
Myeisha Rouff, Judicial Hearing Officer	Date