



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: 039157677K et al. (1 Summons) DEPT OF BUILDINGS, -against- Queens Theatre Owner LLC Hearing Date: 05/18/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039157677K	Sustained	04/12/2025	135-35 NORTHERN BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B211	BC 3307.7	Sustained	\$1,000.00

Findings of Fact & Conclusions of Law

Respondent, QUEENS THEATRE OWNER LLC, appeared via telephone in response to the above issued summons. Respondent was represented by attorney, Frank Tamberino, Esq. Petitioner, Department of Buildings, was represented by Taylor Barje, Esq. The summons alleges a violation of 3307.7.

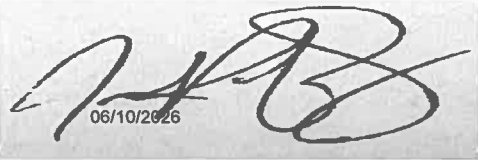
Ms. Barje initially rested on the summons. Ms. Barje took testimony from IO Gordon. Ms. Gordon testified that she could not find the photos taken on the date of the violation. Ms. Gordon testified that she remembered doing the inspection and observing the conditions. Ms. Gordon testified that she went back to the property on April 21, 2025, and took photos at that time.

Mr. Tamberino objected to the photos. Mr. Tamberino testified that Respondent was prejudiced by irrelevant evidence as the photos were taken at a later date. Mr. Tamberino testified that Petitioner had not met its burden as there was no legitimate evidence. Mr. Tamberino testified that the IO's memory was only refreshed by the subsequent violation. Mr. Tamberino testified that there was a lack of evidence. Mr. Tamberino testified that Respondent was prejudiced by the introduction and questions about irrelevant evidence. Mr. Tamberino testified that there was a difference between a preponderance of the evidence and a prima facie case. Mr. Tamberino testified that while Petitioner established a prima facie case, there was not enough evidence to sustain the violation.

Ms. Barje testified that even if the Court disregarded the testimony and evidence of the IO, there is still a violation. Ms. Barje testified that the summons was sworn to and established a prima facie case. Ms. Barje testified that the Board of Appeals has held that testimony is not enough on its own to rebut the summons. Ms. Barje testified that Respondent did not make an actual challenge to the summons, he only stated that he does not agree with the violation.

First, I find that the IO's photos and testimony regarding the second inspection were irrelevant to the instant summons and did not consider them in my decision. Second, I credit the issuing officer's statement on the summons and find that Petitioner proved this violation by a preponderance of the evidence. Petitioner's sworn to statement established a prima facie case and Respondent did not provide any evidence to rebut it.

Accordingly, this summons is sustained.


06/10/2026

06/10/2026

Trishawn Raffington, Judicial Hearing Officer

Date