



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: 039158859X et al. (1 Summons) DEPT OF BUILDINGS, -against- GODDARD, AVALON Hearing Date: 06/15/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039158859X	Sustained	09/02/2025	42 FURMAN AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Summons # 039158859X was issued to respondent Goddard Avalon for a violation of section 28-301.1; failure to maintain building in a compliant code manner. Observed excessive debris at 2FL hallway obstructing door access to roof level. Observed bicycles, propane tank, a portable propane heater, bag of grill charcoal, a chair and coolers. Condition is an imminent fire hazard as there are combustible materials and access to roof is not accessible due to door being blocked. This is a class 1 charge.

Attorney Frank Tamborino appeared for the respondent.

Taylor Barje appeared for the Petitioner, DOB.

The hearing was adjourned because the respondent challenged the class 1 designation.

The Petitioner submitted photographs of the condition. See Petitioner's Exhibit 1. The Petitioner stated that the I/O wrote the violation as a class 1 because there were immediately hazardous conditions. Pages 7-15 show these conditions. The photographs support a class 1 designation. On page 15, there is a photograph showing a propane tank in the hallway by the stairs, where the tenants are. The propane tank is highly combustible and would make egress a bigger emergency. Tenants could not get to the stairs if they had to escape to the roof in case of fire because of debris. Pages 6 and 7 show the debris by the stairs.

The respondent stated that going to the roof is not generally advisable in case of fire. The door is not marked an emergency exit; the door leads to a roof and not to an exterior street. Bikes are near the door at the top, but they do not obstruct access to the emergency exit.

The Petitioner stated that tenants are not advised to go to the roof, but that does not mean that someone can block their passage. Storage of a propane tank is an immediately hazardous condition. Also, other items cannot be stored in the hallway. The hallway is not part of an apartment and should not be used as storage for household items.

The Petitioner stated that she is standing by the class 1 charge.

The summons and evidence submitted by the Petitioner are credited.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

I find that storage of a propane tank in a hallway is an immediately hazardous condition as it is highly combustible. The debris in the hallway and storage of bikes impedes the tenants' ability to exist the premises in case of a fire.

I find that class 1 designation is appropriate.

Accordingly, the summons is sustained and a class 1 penalty in the amount of \$2,500.00 is imposed.

	
06/16/2026	06/16/2026
Michelle Mason, Judicial Hearing Officer	Date