



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: 039538003N et al. (1 Summons) DEPT OF BUILDINGS, -against- H BUILDING MANAGEMENT INC Hearing Date: 06/01/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$5,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039538003N	Sustained	03/14/2025	212 MONTROSE AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1P6	BC 3314.5	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq. appeared as the authorized representative of the Respondent. Petitioner appeared by Jennifer Clouden .
IO F. Zanette Badge No. 3682

Respondent is charged with a Class 1 violation of Building Code 3314.5 for failing to comply with the cited code requirements,
as described in the summons.

Petitioner submitted photographs, violation details, overview of complaint, and property profile overview.

IO Zanette testified that he believes he went to the place of occurrence for a re-inspection, and he cannot recall why he was there; however, it may have been a sweep.

IO Zanette also stated that the photographs show that the scaffold was not fully planked, and there was no guardrail system. IO Zanette further stated that the scaffold had multiple levels, therefore, the scaffold should be planked throughout, not just on some levels. IO Zanette also stated that the outrigger system did not have guardrails to prevent workers from falling back. IO Zanette stated that the stairtower needed a pin connecting it to the scaffold screen to prevent it from moving which was not there. IO Zanette further stated that all exposures cited had safety issues.

I find that Respondent did not establish a valid defense or credibly rebut the violation. The \$5,000 penalty is imposed.

Sustained.

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