



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Frank Tamberino - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039544170L et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

KALE CONSTRUCTION INC

Hearing Date : 7/17/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,000.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039544170L	Sustained	08/27/2025	150-18 12 ROAD, Queens

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

Total Penalty for Summons: 1,000.00

Findings of Facts & Conclusions of Law

Petitioner appeared by H. Pita. Respondent appeared by F. Tamberino. Also testifying was Issuing Officer Whyte. Petitioner charges Respondent with a class 2 jobsite fence not constructed or maintained as per code. Mr. Pita submitted photos taken by the Inspector to support the charge (Pet Ex 1). Mr. Tamberino challenged service based on the location where the summons was posted. I find the Inspector's description of the service attempt to be adequate, and I do not find Respondent has offered persuasive evidence to the contrary. Mr. Tamberino argued that the summons was issued to an incorrect party, and that B. Sosa had a permit for the cited location that had never been withdrawn or superseded, according to DOB NOW, and therefore was still in effect. Mr. Pita argued that where there are two concurrent permits exist either party can be charged with a violation, and I agree. No further valid defense or evidence was presented. I credit the allegations in the summons and find Respondent was in violation on the cited date. I uphold the violation and impose the standard penalty.



07/31/2026

07/31/2026

Kristina Ross, Hearing Officer

Date



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

Frank Tamberino - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 039544172P et al. (5 summonses) DEPT OF BUILDINGS, -against- KALE CONSTRUCTION INC Hearing Date : 7/17/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	2,500.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039544172P	Sustained	08/27/2025	150-18 12 ROAD, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2A7	28-116.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00