



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0704189081 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- BLUEBUILD MGMT INC Hearing Date: 07/22/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$750.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0704189081	Sustained	04/27/2026	58 Avenue and 219 Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADQ9	34RCNY2-11(E)(16)(III)	Sustained	\$750.00

Findings of Fact & Conclusions of Law

Petitioner, NYC Department of Transportation appeared and was represented by Brij Persaud. Respondent, BLUEBUILD MGMT INC appeared and was represented by Attorney Frank Tamberino.

The summons alleges a violation of 34RCNY 2-09(F)(4)(XIV) for EXCEPT AS IN NY AC 19-152, FAILURE TO INSTALL PEDESTRIAN RAMP

Mr. Persaud rested on the summons and submitted an evidence packet including photos showing the violation, a copy of the CAR, and permit issued to Respondent. In response, Mr. Tamberino submitted the approved plan and said the ramp was

approved. Mr. Persaud reviewed the submission and replied that the measurements of the ramp do not comply with the measurements listed on the plan. Mr. Persaud made a motion to amend the charge to a violation of 34RCNY2-11(E)(16)(III). In response, Mr. Tamberino said Respondent accepts the amended violation.

I find Petitioner established a prima facie case. I grant Petitioner's motion to amend. I credit the summons and Petitioner's evidence and find it establishes a violation. I credit Respondent's evidence but reject Respondent's argument. I find Respondent did not establish a defense to the amended charge and accepted the violation.

Accordingly, the summons is sustained.

Rachel L Berger

07/22/2026

07/22/2026

Rachel Berger, Judicial Hearing Officer

Date