



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: 0881343587 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- AVB MORNINGSIDE PARK LLC Hearing Date: 08/17/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0881343587	Dismissed	07/29/2026	1 Morningside Dr Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AHK0	ADMIN CODE 17-194.1(F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

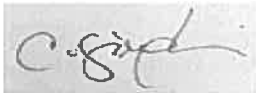
The hearing was conducted by phone on August 17, 2026. Petitioner did not appear. Respondent appeared through Frank Tamberino, Esq.

Respondent was charged with a violation of AC 17-194.1(f).

Mr. Tamberino introduced appeals and rulemaking documents into the record. See Resp. Ex. A. He argued that the Petitioner was attempting to impose a penalty retroactively as the July summons attempted to impose a penalty that became effective in May for the Respondent's alleged failures to report in March.

I credit the IO, establishing prima facie case. I credit Mr. Tamberino and Respondent's evidence that the penalty sought did not exist at the time of the alleged violation.

Summons dismissed as a result.



08/21/2026

08/21/2026

Charles Simpkins, Judicial Hearing Officer

Date