



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: 039117801M et al. (1 Summons) DEPT OF BUILDINGS, -against- 38TH STREET REALTY, Hearing Date: 01/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039117801M	Sustained	06/26/2024	38 WEST 38 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B203	28-118.3.2	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

A hearing was held telephonically on January 5, 2026 in connection with summons number 039117801M ("the summons").

Representative Cassie Rene appeared on behalf of the Petitioner.

Attorney Frank Tamberino appeared on behalf of the Respondent.

The Petitioner submitted an evidence package consisting of 22 pages and included: a certificate of occupancy for the premises; the complaint overview; the summons and affidavit of service; NYC records identifying the property as being owned by the Respondent; and photos of the premises. The Petitioner indicated that a certificate of correction was received by the Department of Buildings as of 9/9/24, but still seeking the standard penalty.

The Respondent emphasized that correction had been made and then denied the summons without any rebuttal.

The Petitioner's document submissions all bear relevancy to the summons and accordingly shall be admitted into the record in the entirety as evidence.

With respect to the merits, the summons is hereby sustained and the standard applicable penalty in the amount of \$1250.00 shall be imposed.



01/05/2026

01/05/2026

April Forbes, Judicial Hearing Officer

Date