



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: 037035807L et al. (1 Summons) DEPT OF BUILDINGS, -against- GOULD HOTEL ON WEST 40TH STREET Hearing Date: 11/13/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$312.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037035807L	Sustained	07/01/2025	342 West 40th St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B265	AC 28-303.7	Sustained	\$312.00

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq. appeared on behalf of Respondent Gould Hotel on West 40th St.

Maria Dolas, Esq. appeared on behalf of Petitioner, Dept. of Buildings.

Petitioner charges AC 28-303.7. Class 2. Failure to file required annual boiler inspection reports for low pressure boiler in accordance with the rules of the Dept. Section 1 RCNY103-01 (D)(1) requires an annual inspection report for low pressure boilers be submitted for each inspection cycle. No annual boiler inspection report has been filed with the Dept. in over three years.

Ms. Dolas states respondent submitted a boiler report on 10/3/25 therefore she recommends the mitigated penalty.

I credit respondent's evidence but find it does not establish a valid defense. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard mitigated penalty of \$312.00 is imposed.



11/18/2025

11/18/2025

Deborah Mbabazi, Judicial Hearing Officer

Date