



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: 039110076R et al. (1 Summons) DEPT OF BUILDINGS, -against- HI-TECH PLUMBING & HEATIN Hearing Date: 07/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039110076R	Sustained	03/27/2024	109 WEST 24 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	27-Misc, 28-Misc, BC -Misc	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

The summons was issued on March 27, 2024, with a return date of June 6, 2024.

Attorney Deanna Bulbridge appeared for Petitioner, Department of Buildings. Attorney Frank Tamberino appeared for Respondent, Hi-Tech Plumbing & Heatin, appeared for a hearing July 10, 2025.

Respondent is charged with NYC Administrative Code Section 28-104.8.4. The allegation is designated as a Class 1 immediate hazardous condition.

Summons alleges ...Tenant Protection Plan (TPP) ...doesn't provide sufficient details in regards specifics units that are or maybe occupied during construction. There are no specifications or means and methods provided for egress fire safety. Compliance with health requirements structural safety and noise...

Petitioner submitted photos, to establish charge. Petitioner argued that the TPP lacks specifics for egress, fire safety, and the units occupied.

Respondent argued that service was not sufficient since the IO made a conclusory statement on service. Respondent argued that the TPP they have on file is complete and was complete prior to issuance of the summons, see Respondent Exhibit A.

Petitioner argued that the TPP Respondent submitted is from June 4, 2024. Respondent argued that service was reasonable after the IO checked for an authorized person.

New York City Administrative Code Section 28-104.8.4 provides, in pertinent part, that Construction documents for alterations of buildings in which any dwelling unit will be occupied during construction shall include a tenant protection plan. . . . The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for: egress . . . fire safety . . . health requirements . . . compliance with housing standards . . . structural safety . . . [and] noise restrictions .

I credit the Petitioner's argument. I find that Respondent did not present a persuasive defense. I find that service was sufficient since the IO posted the summons after they found no authorized person to serve. I find that Respondent's evidence fails to establish the TPP observed by the IO contained the specifics the IO stated were missing. The TPP submitted by Respondent includes both the original dated January 14, 2024, and the amended TPP dated June 4, 2024. Respondent submits no further evidence to differentiate the information submitted on both days. I find that this is a class 1 immediately hazardous condition because the violating condition affects life, health, safety, property, or the public interest and it does require immediate corrective action.

Accordingly, the summons is sustained. I am imposing the standard penalty of \$2500.

Iyayi Uwa

07/31/2025

07/31/2025

Iyayi Uwa, Hearing Officer

Date