



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Frank Tamberino, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039119715P et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

HI-TECH PLUMBING & HEATING

Hearing Date : 4/13/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039119715P	Dismissed	07/23/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B187	28-201.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039119718K	Dismissed	07/23/2024	109 WEST 24 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B187	28-201.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

A hearing was conducted by telephone on April 13, 2026. Frank Tamberino, Esq. appeared for the respondent. Carl Kanev and Inspector Louis Phillips, Jr. appeared for the petitioner. The summonses each alleged a violation of NYC Admin. Code sec. 28-201.1 in that the respondent failed to file a certificate of correction.

The respondent sought to challenge service of the violations. The petitioner offered testimony from Inspector Phillips, who testified that he could not recall what steps he took to serve the violations. He testified that, customarily, he would have rung the doorbell, and, after receiving no answer, posted the summons.

I do not credit Inspector Phillips's testimony, particularly because he admitted to not recalling how he served these violations. Additionally, the affidavits of service themselves provide no information as to what steps Inspector Phillips took to attempt service. The affidavits only state, "At the time of attempt I did not gain access." The service details in the affidavits, taken together with Inspector Phillips's testimony, do not demonstrate that he made a reasonable attempt at personal service before affixing the violations to the front door of the premises.

Both summonses are, therefore, dismissed.

	04/13/2026
Chin Ho Cheng, Hearing Officer	Date