



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: 037030124J et al. (1 Summons)

DEPT OF BUILDINGS,

-against-

PMJ PROPERTIES, INC.

Hearing Date: 07/22/2025

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
037030124J	Dismissed	10/01/2024	50-22 HILLYER STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B179	AC 1RCNY-MISC,RS-MISC	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Kimberly Manas Esq. Respondent, PMJ PROPERTIES, INC., appeared by its attorney, Frank Tamberino Esq., to answer a charge of failing to submit the required initial observation for the parking structure by the deadline of August 1, 2024. The first hearing date was January 28, 2025.

Ms. Manas relied on the allegations in the summons.

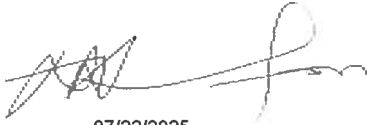
Mr. Tamberino moved to dismiss the summons stating the cited place of occurrence is not a parking structure but an outside/open space parking lot. In support of his testimony, Mr. Tamberino presented a google map picture depicting an

open space parking lot (see Resp. Exh. A).

Ms Manas responded by presenting a google map picture of the same location but such picture was taken from a different angle which showed a building next to the open space parking lot (see Pet. Exh. A). Ms. Manas stated that such building will have been the parking structure the Issuing Officer referred to in the summons.

Mr. Tamberino testified that the building in Petitioner's picture was not a parking structure/parking garage and might be a storage space, but that this building had no parking spaces and vehicles were never parked in that building.

I credit the testimony and evidence presented by Mr. Tamberino. While I also credit the evidence presented by Ms. Manas, I find that Respondent has rebutted the charge. I find that the cited location is not a parking structure but rather is an open-space parking lot. I find that since the cited location is not a parking structure, Respondent did not fail to submit the required initial observation for the parking structure by the deadline of August 1, 2024. Therefore, the summons is DISMISSED.

 07/22/2025	07/22/2025
Akinwale Akinrefon, Hearing Officer	Date