



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: 039117519Z et al. (1 Summons) DEPT OF BUILDINGS, -against- JUNIK, CHAIM Hearing Date: 07/22/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039117519Z	Sustained	06/24/2024	735 EMPIRE BOULEVARD (garage) Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Kimberly Manas Esq and the issuing officer, Insp. Dennis Moses, Badge # 2650. Respondent, JUNIK, CHAIM., appeared by attorney, Frank Tamberino Esq., to answer a charge of performing work without first obtaining a permit from DOB. The first hearing date was August 28, 2024.

Ms. Manas relied on the allegations in the summons and the evidence presented which included pictures (see Pet. Exh. A).

Ms. Manas questioned Insp. Moses regarding the pictures asking if the inspector had any pictures on the back of the house where the garage and the structure on top of the garage is located, to which Insp. Moses stated that he has been unable to

locate such pictures and can only find pictures of the front of the house. Ms. Manas then asked the inspector if he remembered what he observed on the date in question to which Insp. Moses stated that even though he could not remember specific dimensions of the structure, he remembers observing a structure on top of the garage in the back of the premises with a window and a door; and that he also observed electrical work but that there was no permit on DOB's records for such work.

Mr. Tamberino moved to dismiss the summons stating that DOB has failed to meets its burden of porof inasmuch as it has failed to present any pictures in support of the allegations in the summons. Mr. Tamberino further stated that the inspector's testimony does not establish a prima facie case against Respondent. Mr. Tamberino presented nothing on the merits.

Ms. Manas stated that DOB has established a violation based on the summons and the testimony of the inspector and that Respondent has failed to rebut the charge or shift the burden back to Petitioner.

I credit the allegation in the summons as well as the testimonies of Insp. Moses and Ms. Manas. I find that Petitioner has met its burden of proof by establishing violation through the summons and the testimony of Insp. Moses. I find that Respondent has not not rebutted the charge by either testimony or evidence and has failed to shift the burden of proof back to Petitioner. I also find that Respondent presented no defense to the violation. Accordingly, the summons is SUSTAINED and the standard class 1 penalty is imposed.



07/28/2025

07/28/2025

Akinwale Akinrefon, Hearing Officer

Date