



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Summons No: 039122935Y et al. (1 Summons)

DEPT OF BUILDINGS,

-against-

LUCENA, FILBERTO JR.

Hearing Date: 09/23/2025

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
039122935Y	Dismissed	08/23/2024	782 DAWSON STREET Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The hearing was held on September 23, 2025. Frank Tamberino from Nacmias Law Firm appeared on behalf of Respondent. Kimberly Manas appeared on behalf of DOB. The summons charges a Class 1 violation 28-105.1 Installing AC without permits.

DOB Inspector retired therefore did not appear. Respondent denies the violation and challenges the class. Respondent argues a permit is not required to install an AC. Respondent moves to dismiss. There is no evidence showing a permit is required to install an AC. Respondent argues they were only winterizing the boiler, not installing one. Petitioner fails to produce the IO who had knowledge of what was observed. Petitioner offers no rebuttal to Respondent's arguments. Therefore, DOB has failed

to make a prima facie.

Summons dismissed.



09/26/2025

09/26/2025

Eric Howard, Hearing Officer

Date