



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039120355Z et al. (1 Summons) DEPT OF BUILDINGS, -against- SELTZER, MICHAEL Hearing Date: 03/10/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039120355Z	Sustained	07/31/2024	621 WALTON AVENUE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B202	AC 28-301.1	Sustained	\$625.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on March 10, 2026. Petitioner appeared through Henry Pita, Esq. Respondent appeared through Frank Tamberino, Esq.

Respondent was charged with a Class 1 violation of AC 28-301.1.

Mr. Pita submitted the IO's photos into the record. See Pet. Ex. 1. He noted that the photos depicted the cited household items, furniture, and debris accumulated and stored in the hallways and stair landings, obstructing clear passage to the front entry door.

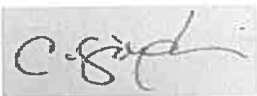
Mr. Tamberino challenged class and moved to dismiss. He noted that none of the photos showed that the areas with furniture or household items led to the front entry door.

Mr. Pita moved to amend the charge to a Class 2 violation of the cited section. Mr. Tamberino did not object. I grant the motion and so amend the charge.

On the charge as amended, Mr. Tamberino renewed his motion to dismiss. Mr. Pita argued that the Petitioner does not need to prove each condition cited in the summons so long as it proves at least one condition that constitutes a violation of the cited section.

I credit the IO's sworn statements in the summons, establishing the prima facie case. Even if I decline to credit the Petitioner's evidence as depicted items, furniture and debris in the cited common hallways and stair landings, Respondent has failed to provide sufficient evidence for me to discredit the IO's sworn statements in the summons that the cited items were observed obstructing clear exit passage to the front entry door.

Therefore I find the Respondent in violation and impose the standard penalty on the charge as amended.



03/17/2026

03/17/2026

Charles Simpkins, Judicial Hearing Officer

Date