



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: 039140928P et al. (1 Summons) DEPT OF BUILDINGS, -against- BRUKLYN BUILDERS INC. Hearing Date: 12/15/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039140928P	Sustained	03/10/2025	533 GRAND STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2F7	BC 3301.7 (2014 code)	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

The summons is sustained.

The Respondent, BRUKLYN BUILDERS INC., appeared by its counsel, Frank Tamberino, Esq., Nacmias Law Firm. The Petitioner, NYC DEPARTMENT OF BUILDINGS, appeared by its counsel, Henry Pita, Esq.

The summons alleges a Class 2 violation of NYC Building Code Section 3301.7, Failure to maintain/display on site documents required by BC Chapter 33. The Issuing Officer specifically alleges in the violation details of the sworn summons that the Respondent's did not produce approved EN plan for Energy.

Petitioner's counsel relied on the summons for Petitioner's main case and produced an evidence packet (Px1-Px17) which included a screenshot of the job filing which shows that the job is an ALT-CO for a new build, numerous photographs of the jobsite and various construction plans.

Respondent's counsel did not deny the existence of the violating condition but questioned that the site required this type of EN plan as the building is only three-stories and 75-feet in height. In addition, Respondent's counsel noted that the full plans had been submitted to the Petitioner and that the violation had been corrected prior to the first scheduled hearing date.

Petitioner's counsel produced a description of the requirement for the EN submission for energy (Px18) and noted that the EN plan was required for ALT CO filings. In addition, Petitioner's counsel stated that this type of violation was not eligible for mitigation even with evidence of timely correction.

I find on the Petitioner's credible case that the violating condition described in the summons existed as a Class 2 violation and the mitigated penalty for a Class 2 violation is imposed.

The summons is sustained.

	
12/15/2025	12/15/2025
Jamin Sewell, Judicial Hearing Officer	Date