



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: 039538064R et al. (1 Summons) DEPT OF BUILDINGS, -against- B SOSA ENTERPRISES CORP. Hearing Date: 11/25/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039538064R	Sustained	03/17/2025	150-22 12 ROAD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B211	BC 3307.7	Sustained	\$1,000.00

Findings of Fact & Conclusions of Law

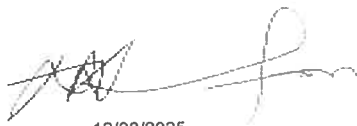
Petitioner appeared by DOB representative, Anuj Vaidya. Respondent, B SOSA ENTERPRISES CORP., appeared by its attorney, Frank Tamberino Esq., to answer the sole charge of construction/job site fence not constructed or maintained pursuant to code in that the ends of nails were protruding out of the fence adjacent to the sidewalk exposing pedestrians to puncture and laceration type injuries. The first hearing date was May 27, 2025.

Mr. Vaidya relied on the allegations in the summons as well as the evidence package which included several pictures (see Pet. Exh. A).

Mr. Tamberijno moved to dismiss the summons stating that the pictures presented by Petitioner do not support the details of the violation in the summons. Mr. Tamberino stated that the sharp part of the nails were not protruding and that it was the bottom part that was protruding from the fence.

Mr. Vaidya stated first that the ends of the nails were protruding as shown in the pictures, and that it did not matter whether it was the sharp end or the bottom end of the nail that was protruding; and second that the protruding bottom end was still capable of causing serious bodily injury to pedestrians as they walked by the fence area in question. I agree.

I credit the allegation in the summons. I find that Respondent has neither rebutted the charge nor established a valid defense to the violation. I find based on the evidence presented that the nails protruding out of the fence adjacent to the sidewalk exposed pedestrians to puncture and laceration type injuries. I therefore find that Respondent's construction/job site fence was not constructed or maintained pursuant to code. Accordingly, the summons is SUSTAINED and the standard class 2 penalty is imposed.



12/03/2025

12/03/2025

Akinwale Akinrefon, Judicial Hearing Officer

Date