



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: 037033924L et al. (1 Summons) DEPT OF BUILDINGS, -against- A. MODY AND SONS, INC Hearing Date: 12/02/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037033924L	Dismissed	02/25/2025	41-23 MURRAY STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISBCMI	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq. appeared for Respondent. Deanna Lamberti, Esq. appeared for Petitioner DOB. IO O. Suto appeared to testify.

Respondent was cited for violating 1 RCNY 103-09(e) for failure to file a retaining wall condition assessment report.

IO Suto testified that DOB uses a digital survey when issuing these summonses. The digital scan provides differences in elevation and where a retaining wall may be. IO Suto testified that there is an assumption of a wall if the elevation changes. Interns research on GoogleMap to review the street view for the retaining wall. IO Suto testified that the scan is not 100%

accurate and cannot inspect all locations.

Mr. Tamberino submitted GoogleMap photos (Exhibit A, B, C) and argued that there are no retaining walls over 10 ft facing a public right of way.

I credit Respondent's evidence and argument. Respondent established a defense. The summons is dismissed.

Viven Chiu

12/05/2025

12/05/2025

Viven Chiu, Judicial Hearing Officer

Date