



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street, 1st fl Attn: Frank Tamberino, Esq Brooklyn, NY 11217	Summons No: 039147421H et al. (1 Summons) DEPT OF BUILDINGS, -against- 462 CAROLL ST. LLC Hearing Date: 02/19/2026 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
039147421H	Dismissed	05/08/2025	462 CARROLL STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B263	AC 28-204.4	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons alleges a class 1, Aggravated 1, violation of NYC Administrative Code 28- 301.1 in that respondent failed to maintain the building in a code compliant manner.

Henry Pita, Esq. appeared for the petitioner, New York City Department of Buildings

Frank Tamberino, Esq. appeared for the respondent, 462 Carroll Street LLC.

Petitioner relied on the sworn statement of the issuing officer.

Respondent did not refute the factual allegations in the summons. However, Respondent contended that the factual allegations did not make out a prima facie case for the provision of law cited. Respondent stated there was no notice of the elements of the charge. Respondent noted the violation was issued as a failure to maintain as opposed to a failure to comply and, as such, couldn't incorporate the allegations in the prior summons by reference.

Petitioner moved to amend the provision of law to 28-204.4 for failure to comply with a Commissioner's order to correct to conform to the violation details noting respondent's point that the summons read more like a failure to comply. Petitioner stated they would not pursue the aggravated 1 designation.

Petitioner's records indicated that the compliance had not been recorded and respondent did not proffer proof of correction.

NYC Administrative Code 28-204.4 provides, in pertinent part, "Failure to comply with an order of the commissioner issued pursuant to section 28-204.2 or pursuant to any provision of law or rule enforced by the department in effect at the time the order was issued to correct and to certify correction of a violation within the applicable time period shall be a violation of this code for which penalties may be imposed in addition to the penalties that may be or have been imposed for the violation referred to in such order."

A class 2 violation is considered a Major violation. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action.

Petitioner's motion to amend the provision of law is denied as the factual allegations do not provide notice or make out a charge for NYC Administrative Code 28-204.4 for failure to comply with a Commissioner's order. Accordingly, the summons is dismissed as it does not establish a prima facie case.

Ilene Sussman

02/23/2026

02/23/2026

Ilene Sussman, Judicial Hearing Officer

Date