



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: 039156795R et al. (1 Summons) DEPT OF BUILDINGS, -against- 7124 18TH AVENUE LLC Hearing Date: 04/10/2026 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
039156795R	Sustained	08/12/2025	7124 18 AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B127	27-369, BC 1020.2 (2008 code), BC 1023.2 (2014 code) & BC 1024.2 (2022 code)	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

A hearing was held via telephone on April 10, 2026 in connection with summons number 039156795R.

Attorney Henrietta Baidoo appeared on behalf of the Petitioner.

Attorney Frank Tamberino appeared on behalf of the Respondent.

Inspector C. Gordon, Badge Number 3639, was also present.

The Petitioner submitted an 11 page evidence package consisting of photos taken by the Inspecting Officer on the date of the occurrence along with the summons.

The Inspecting Officer testified that the summons was issued as a Class 1 immediately hazard condition since at the time of the inspection the boxes located at the exit door prevented a quick exit from the building if there was an emergency. Also, while not in the summons, the Inspecting Officer also testified that there was a lock on one of the exit doors at the premises which constitutes improper hardware. The Inspecting Officer referred to page 9 of the Petitioner's evidence package which depicts the exit door observed which, per the Inspecting Officer, should have been a pushbar to permit a quick exit from the building in the event of an emergency. The Inspecting Officer also testified of the ability to walk through the obstructed areas on the date of the occurrence without either tripping and/or unable to properly enter or exit the building.

The Respondent challenged the class designation contending that there was only a partial obstruction of the entrance/exit ways at the premises as compared to a full obstruction. The Respondent also indicated that the cited condition was corrected before the first hearing.

Upon rebuttal, the Petitioner indicated that the violation is a not a mitigatable defense; and cited to several appeals cases in support of the position that a minor obstruction or a partial obstruction is still a Class 1 violation: Appeals No.: 2600006 *DOB v. Cross BX Residence* (February 26, 2026); 2400373 *DOB v. Regent Realty* (April 25, 2024); and 2001181 *DOB v. 625 Jackson Realty Co* (January 14, 2021).

In response to the Petitioner's rebuttal, the Respondent indicated that the Appeals cases cited by the Petitioner are taken out of context and do not directly apply to the facts at issue in connection with this instant summons and accordingly should not be relied upon as a basis for sustaining the summons.

Leaving aside the cases relied upon by the Petitioner, the evidence package submitted by the Petitioner bears relevance in its entirety to the summons and will be admitted into the record.

The Respondent challenged the Class 1 designation of the summons, but did not produce any evidence supporting that the conditions observed by the Inspecting Officer at the time of the occurrence did not constitute an immediate hazard. While the Inspecting Officer did testify, in response to questions from the Respondent, of the ability to walk through the obstructed areas on the date of occurrence without tripping and/or being hindered from exiting the premises, the Inspecting Officer did not waver in the determination that the items/conditions observed which impacted the ability to enter and exit the premises created an immediate hazardous condition in the case of any emergency. As such, the summons and the testimony of the Inspecting Officer will be credited as truthful, along with the photos of taken on the date of the occurrence by the Inspecting Officer which corroborate the summons and the testimony of the Inspecting Officer.

Based on the foregoing, the summons will be sustained as a Class 1 violation, and a penalty in the amount of \$1,250.00 shall be imposed.

April Forbes

04/10/2026

04/10/2026

April Forbes, Judicial Hearing Officer

Date