



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm (Tamberino) 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039158077L et al. (1 Summons) DEPT OF BUILDINGS, -against- 302 MOTT STREET LLC Hearing Date: 04/21/2026 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
039158077L	Dismissed	08/22/2025	302 MOTT STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq., appeared on behalf of the Respondent, 302 Mott Street LLC.

Carl Kanev, Esq., appeared on behalf of the Petitioner, DOB along with S. Maqsood, #3697.

The summons alleges a Class 1, Aggravated 1 recurring condition, violation of NYC Administrative Code 28-301.1, failure to comply and submit certificate of correction for violation #39154094P issued on 7/17/2025 for failure to maintain building in code compliant manner. (Condition remain same)

Under questioning from Mr. Kanev, Mr. Maqsood testified that to the violating conditions that he found in the building and explained how the photos (Five photos introduced by Mr. Kanev) illustrated the violating conditions.

Mr. Tamberino argued that the summons failed to state a valid prima facie case as the section of law cited is for the failure to maintain building in a code compliant manner and the summons does not describe how the building is not being maintained in a code compliant manner. Mr. Tamberino argued that a summons must stand on its own and that it is impermissible to incorporate violating conditions by referencing another summons, or through testimony or other evidence.

I find the Respondent's arguments to be meritorious and that the summons does not state a case under the section of law cited by Petitioner.

The summons is dismissed.

	
04/21/2026	04/21/2026
Sean Gralton, Judicial Hearing Officer	Date