



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: 0213683187 et al. (1 Summons) DEPT OF BUILDINGS, -against- EXPERT PIPING & HEATING CORP. Hearing Date: 12/15/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$5,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0213683187	Sustained	03/05/2025	478 ALBANY AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	A191	MISC. CHAP.4 OF TITLE 28	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

The summons is sustained.

The Respondent, EXPERT PIPING & HEATING CORP., appeared by its counsel, Frank Tamberino, Esq., Nacmias Law Firm. The Petitioner, NYC DEPARTMENT OF BUILDINGS, appeared by its counsel, Henry Pita, Esq.

The summons alleges a Class 1 violation of NYC Administrative Code Section 28-401.4, "It shall be unlawful for any person to engage in or carry on in the city any business, trade or occupation regulated by this chapter or to hold himself or herself out as authorized to engage in or carry on such activity, without having first obtained a license from the commissioner and, if

applicable, the proper endorsement for such license in accordance with and subject to the provisions of this chapter and the rules of the department." The Issuing Officer specifically alleges in the violation details of the sworn summons that the Respondent held itself out as being authorized to perform various work that required a master licensed plumber through a website and vehicle advertising.

Petitioner's counsel relied on the summons for Petitioner's main case and produced an evidence packet, including: 1) Respondent's NY Department of State, Division of Corporation's registration (Px1), 2) the NY Department of Motor Vehicle registration for Respondent's commercial vehicle (Px2), 3) a search of the NYC DOB website showing that the Respondent does not hold a master plumber's license (Px3), 4) a YELP listing for the Respondent (Px4), 5) what appears to be Respondent's website (Px5), 6) a photograph of Respondent's commercial vehicle which lists the Respondent's phone number, email address and license that reads "Expert 1" (Px6) and 7) two additional pages from what appears to be from Respondent's website (Px7-Px8).

Respondent's counsel moved to dismiss the summons arguing that the Respondent did not hold itself out as a licensed master plumber. In support of Respondent's argument, Respondent's counsel produced an affidavit from Respondent's principal officer, Efraim Katz. (RxA). In Respondent's affidavit Mr. Katz avers that 1) it did not hold itself as a master licensed plumber; 2) that the website purported to be the Respondent's had no connection with or controls by the Respondent and that the Mr. Katz's has been unsuccessful in attempting to take the website down; and 3) Respondent has not conducted unlicensed plumbing work but, occasionally worked with licensed plumbers or subcontract the service of a licensed plumber but has not done so in the last two years.

Petitioner's counsel stated that whether or not the Respondent was actually conducting licensed plumbing work was not relevant to the analysis but, rather, whether or not the Respondent was holding itself as a licensed plumber. In support of this assertion Respondent cited the following precedents: 1) Appeal No. 1700459, *NYC v. Petro Inc.*, July 6, 2017, and 2) Appeal No. 1000712, *NYC v. Michael DeMarco*, February 24, 2011. To rebut the claim that Respondent had no connection with the website, Petitioner's counsel produced a domain search for Respondent's website which shows that Mr. Katz is the website registrant contact.

I do not find that the Respondent has rebutted the charge in the summons. I do not credit Respondent's affidavit which is not supported by any other evidence and was rebutted by the domain search (Px9).

I find on the Petitioner's credible case that the violating condition described in the summons existed as a Class 1 violation and the standard penalty for a Class 1 violation is imposed.

The summons is sustained.

Jamin Sewell

12/15/2025

12/15/2025

Jamin Sewell, Judicial Hearing Officer

Date