



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 035560078N et al. (5 summonses)

DEPT OF BUILDINGS,

-against-

611 REALTY LLC.

Hearing Date : 11/6/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 28,750.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035542171Z	Sustained	11/16/2020	611 E. 11 ST , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B204	AC 28-302.1	Sustained	1,250.00

Total Penalty for Summons: 1,250.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035560077L	Sustained	04/13/2021	611 E. 11th St , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E4	28-302 .5	Sustained	25,000.00

Total Penalty for Summons: 25,000.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035560078N	Sustained	04/13/2021	611 E. 11th St , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B187	28- 201.1	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035577662N	Dismissed	05/27/2021	611 East 11th Street , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B187	28- 201.1	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035577663P	Dismissed	05/27/2021	611 E. 11th Street , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B1E4	28-302 .5	Dismissed	0.00

Findings of Facts & Conclusions of Law

Frank Tamberino, Esq. appeared for Respondent. Kimberly Manas, Esq. appeared for Petitioner DOB.

Respondent was issued 5 summonses: 035560078N, 035560077L, 035577663P, 035577662N, and 035542171Z.

Summons 78N was issued for violating AC 28-301.1 for failure to comply with the Commissioner's Order. Violation 35542536M remains open.

Ms. Manas submitted the underlying summons 36M (Exhibit 1).

Mr. Tamberino did not provide a defense. The summons is sustained. The standard penalty is imposed.

Summons 77L was issued for violating AC 28-302.5 for failure to provide adequate safety measures to protect public safety. The allegation noted that Respondent did not comply with previous violations 35542536M and 35549265L. The summons indicates this is a recurring condition. Petitioner is seeking Aggravated I penalty.

Ms. Manas submitted photos and the priors to substantiate the Agg 1 penalty (Exhibit 1, 2).

Mr. Tamberino challenged Class. He argued that the prior summons 65L was amended to Class 2 with the same violating conditions. He argued the conditions in Petitioner's photos do not justify Class 1 Designation. The cracks look minimal. He also moved to dismiss arguing insufficient evidence.

Ms. Manas argued there is no overhead protection at exposure 4. She argued there are cracks and missing pieces. She argued there is a severe risk of falling pieces.

The allegation along with Petitioner's photos establish a prima facie case. I find that Petitioner's photos and the IO's notes establish the Class 1 Designation. Respondent did not establish a defense. The summons is sustained. The Aggravated I penalty is imposed.

Summons 63P was issued for violating AC 28-302.5 for failure to provide adequate safety measure. Respondent did not comply with previous violation 35542536M and 35549265L and 35560077L. The summons charges the violation as an Aggravated II Condition. The Affidavit of Service states that the summons was posted at the main door entrance because there was "no sign of building superintendent's contact at any place." The IO is no longer with DOB.

Ms. Manas submitted photos (Exhibit 1).

Mr. Tamberino challenged service and argued attempt was insufficient to effectuate service.

The Affidavit of Service does not establish that a reasonable attempt was made to personally serve the summons. Service is defective. The summons is dismissed.

Summons 62N was issued for violating AC 28-301.1 for failure to comply with the Commissioner's Order contained in 35542536M. This is a recurring condition. Petitioner is seeking Aggravated I penalty. The Affidavit of Service indicates that the summons was posted at the main door entrance because there was "no sign of building superintendent's contact at any place." The IO is no longer with DOB.

Ms. Manas submitted the underlying summonses 36M and 78N to substantiate the Agg 1 penalty (Exhibit 1).

Mr. Tamberino challenged service and argued inadequate details of attempt by the IO to serve the summons.

The Affidavit of Service does not establish that a reasonable attempt was made to personally serve the summons. Service is defective. The summons is dismissed.

Summons 71Z was issued for violating AC 28-302.1 for failure to maintain exterior building facade and appurtenances. The Affidavit of Services states that the summons was posted on the main entrance door after "repeatedly ring door bell but no answer."

Ms. Manas submitted photos and TR6 report (Exhibit 1).

Mr. Tamerino challenged service and argued the Affidavit of Service does not contain sufficient detail because it does not indicate how long the IO waited. He submitted 2 appeals decisions (Exhibit A). He also argued the evidence is insufficient as the photos do not clearly show the violation.

Ms. Manas argued the IO does not need to state how long the IO waited. She submitted an Appeals Decision in support of her argument (Exhibit 2). She argued the photos show spalling and cracks in the facade.

I credit Petitioner's argument on service and find service was proper. I find Petitioner's photos sufficient to establish the violation. The summons is sustained. The standard penalty is imposed.



11/06/2025

11/06/2025

Viven Chiu, Judicial Hearing Officer

Date