



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: 039117944J et al. (1 Summons) DEPT OF BUILDINGS, -against- 388HARBORVIEW HOUSING DEVELOPM Hearing Date: 09/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$312.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039117944J	Sustained	06/27/2024	388 RICHMOND TERRACE Staten Island

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B251	28-304.1	Sustained	\$312.00

Findings of Fact & Conclusions of Law

Petitioner NEW YORK CITY DEPARTMENT OF BUILDINGS (DOB) was represented by DOB attorney TAYLOR BARJE, ESQ.

Respondent 388 HARBOR VIEW HDFC was represented by attorney FRANK TAMBERINO, ESQ of the Nacmias Law Firm.

Respondent is charged with a Class 1 violation of § 28-304.1 of the Administrative Code of the City of New York (Code) for failure to maintain a building elevator. This was charged as an Aggravated II violation.

Issuing Officer affirmed observing on June 27, 2024, at 388 Richmond Terrace on Staten Island, "Elevator Part / Violating Condition / Suggested Remedy: CLASS 1: upon inspection found device to be out of service. Device has been inoperative for several months. This is a recurring condition. Restore to service repair immediately as per 1 RCNY 11-02. When service restore contact NYC DOB at EIR@BUILDINGS.NYC.GOV.; Maintain elevator/conveying system."

Petitioner noted that there was no support for a Aggravated II designation, and would not pursue the Aggravated II charge. Petitioner also noted that according to DOB records, the cited building contained two elevators, and therefore saw no reason to pursue this as a Class 1 violation.

Petitioner moved to amend from a Class 1 charge to a Class 2 charge. GRANTED.

Respondent submitted evidence of timely compliance.

Petitioner recommended the mitigated Class 2 penalty.

The credible evidence, here the sworn-to narrative statement of the issuing officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and I impose the mitigated Class 2 penalty of \$312.

Mark Goichman

09/23/2025

09/23/2025

Mark Goichman, Hearing Officer

Date