



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                                                              |                                                                                                                                                                                                                                                                                                               |
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| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br><b>592 Pacific Street, 1st fl Attn: Frank Tamberino, Esq</b><br><b>Brooklyn, NY 11217</b> | <b>Summons No: 014161764N et al. (1 Summons)</b><br><br><b>NEW YORK CITY FIRE DEPARTMENT,</b><br><br><b>-against-</b><br><br><b>MUKTESHWAR LLC</b><br><small>(INCORPORATED)</small><br><br><b>Hearing Date: 05/27/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$950.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>  |
|------------------|----------------------------|---------------------------|-----------------------------|
| 014161764N       | Sustained                  | 12/18/2024                | 1324 Atlantic Ave. Brooklyn |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BF12                 | VC12 .                       | Sustained     | \$950.00       |

**Findings of Fact & Conclusions of Law**

The summons alleges violation a VC 12 violation of the NYC Fire Code

Khadija Hassan appeared for the agency that issued the summons, New York City Fire Department.

Frank Tamberino, Esq. appeared for the respondent, Mukteshwar LLC.

Petitioner rested on the sworn statement of the issuing officer.

Respondent did not refute the allegations in the summons and submitted proof of correction.

Petitioner recommended a standard penalty stating evidence submitted was not sufficient to substantiate correction.

Upon inquiry, respondent stated he did not have additional information or evidence.

Respondent requested an adjournment to submit additional evidence of correction which petitioner objected to as the hearing was previously adjourned for that purpose. Upon inquiry, respondent stated he was not aware of any exigent circumstances that prevented his client from procuring the required documentation. As such, the motion to adjourn was denied.

The Board has no authority to rule on DOB's issuance, enforcement, or certification policies or procedures. DOB v. Fresh Meadows Childrens Farm L, Appeal No. 2200483(June 30, 2022). Likewise, the board would not have authority to rule on the FDNY's issuance, enforcement or certification policies or procedures. Here, after review of the evidence submitted by respondent the petitioner has determined that the proof of correction was insufficient.

I credit the factual allegations in the summons which support a violation of the cited code section and find that the respondent is not entitled to a mitigated penalty as the evidence submitted did not meet the FDNY's requirements of proof of correction. Accordingly, the summons is sustained, and the mandatory penalty as a repeat violation is imposed.

*Ilene Sussman*

06/02/2025

06/02/2025

Ilene Sussman, Hearing Officer

Date