



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: 039132118N et al. (1 Summons) DEPT OF BUILDINGS, -against- DTRD REALTY LLC Hearing Date: 03/27/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039132118N	Sustained	12/05/2024	1050 WESTCHESTER AVENUE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

A hearing was conducted by telephone on March 27, 2026. Frank Tamberino, Esq. appeared for the respondent. Maria Dollas, Esq. appeared for the petitioner. The summons alleged a violation of NYC Admin. Code sec. 28-301.1 in that the respondent failed to provide a refuse compacting system in an occupied multi-dwelling building with four or more stories and 12 or more dwelling units.

The petitioner presented an evidence packet that included photographs of the alleged violation. Inspector Michael Russin also testified, stating that he did not observe a garbage compactor in the building. Instead, he observed rooms with bins for garbage storage.

The respondent challenged the class of the offense, arguing that the storage of garbage without a compactor system was not immediately hazardous. The petitioner argued that the condition was immediately hazardous as improperly stored garbage could attract rodents.

I agree with the petitioner that the lack of a garbage compactor system in respondent's building created an immediately hazardous condition. Trash bins in the building potentially create noxious odors and attract pests and rodents. I credit the petitioner's evidence, including Inspector Russin's testimony. This summons is, therefore, upheld, and a penalty of \$ 1250 is imposed.



03/27/2026

03/27/2026

Chin Ho Cheng, Judicial Hearing Officer

Date