



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

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 014123842M et al. (1 Summons)</b><br><br><b>NEW YORK CITY FIRE DEPARTMENT,</b><br><br><b>-against-</b><br><br><b>213 BOWERY REALTY</b><br><br><b>Hearing Date: 05/28/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$700.00</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> |
|------------------|----------------------------|---------------------------|----------------------------|
| 014123842M       | Sustained                  | 05/30/2024                | 213 Bowery Manhattan       |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BF08                 | VC8 .                        | Sustained     | \$700.00       |

**Findings of Fact & Conclusions of Law**

This is a hearing by phone held May 28, 2025. Respondent, 213 Bowery Realty, appeared by Frank Tamberino, Esq. Petitioner, Fire Department, appeared by Ari Dennis Kayserian.

Summons 014123842M alleges a violation of Violation Category (VC) 8 (storage, accumulation and removal of combustible material and waste). The summons notes the first hearing date was 7/17/2024, with a compliance date of 7/5/2024.

Petitioner rested on the summons. Petitioner confirmed evidence of correction was received in October 2024. Petitioner recommended the standard first violation penalty.

Respondent's counsel stated that it is possible the violation was corrected earlier than October 2024 and noted he has evidence dated September 2024. Respondent's counsel requests the mitigated penalty as the evidence of correction is close is time to the first hearing date.

I credit the Issuing Officer's affirmed statements on the summons. I am unpersuaded by Respondent's arguments and find any evidence of correction was filed after the first scheduled hearing date.

Accordingly, the summons is sustained. The first violation penalty of \$700 is imposed.

|                               |            |
|-------------------------------|------------|
| <i>Sarah Axtell</i>           |            |
| 05/28/2025                    | 05/28/2025 |
| Sarah Axtell, Hearing Officer | Date       |