



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 037033752Y et al. (1 Summons) DEPT OF BUILDINGS, -against- 382 E 197TH STREET LLC Hearing Date: 09/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
037033752Y	Dismissed	02/25/2025	382 EAST 197 STREET Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISCBCMI	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq. appeared for Respondent. Cassie Rene, Esq. appeared for Petitioner DOB.

Respondent was cited for violating 1 RCNY 103-09(e) for failure to file a retaining wall condition assessment report.

Ms. Rene relied on the summons.

Mr. Tamberino submitted a PE retaining wall report and argued that Respondent is exempt from the filing requirement because the retaining wall is not over 10 ft. and does not face the public right of way. The report states that the walls are in stable

condition. Mr. Tamberino stated that the PE is a DOB approved engineer. Due to a technical issue, Respondent's evidence could not be uploaded.

Ms. Rene stated that on 6/27/2025, a staff from the retaining wall unit noted that the wall is not subject to Local Law 37.

The summons is dismissed.

Viven Chiu

09/12/2025

09/12/2025

Viven Chiu, Hearing Officer

Date