



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: 037033654K et al. (1 Summons) DEPT OF BUILDINGS, -against- 340 E 198TH 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
037033654K	Dismissed	02/25/2025	340 EAST 198 STREET Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B206	AC 27MISCAC28MISBCMI	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.

Mr. Tamberino submitted a PE retaining wall report (Exhibit A) 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 wall is 8'3" and is in stable condition. The report notes that the retaining wall on the neighboring property is unsafe. Mr. Tamberino stated that the PE is a DOB approved engineer.

Ms. Rene requested an adjournment for the IO's notes. Mr. Tamberino objected. Petitioner's adjournment request was denied because Respondent's evidence clearly reflected that the retaining wall was under 10' and not subject to the filing requirement. The engineer who inspected the wall and wrote the report is a DOB approved engineer.

I credit Respondent's evidence and argument. The summons is dismissed.

	
09/12/2025	09/12/2025
Viven Chiu, Hearing Officer	Date