



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamborino, Esq. 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039154363Y et al. (1 Summons) DEPT OF BUILDINGS, -against- 214 PARK PLACE CONDOMINIUM Hearing Date: 04/14/2026 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
039154363Y	Dismissed	07/21/2025	214 PARK PLACE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2G1	28-116.2.4.2	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

For the reasons stated below, the summons is dismissed.

Frank Tamborino, Esq. appears for the Respondent, and Rafeena Khairullah, Esq. and Issuing Officer (IO) Bishoy Samuel Badge #3485, appear for the Petitioner Department of Buildings (DOB). The Respondent is charged with a violation of Administrative Code 28-116.2.4.2, and the sworn summons states that the Respondent obtained Permit #B08043843, which expired on 3/31/24. Permit has not been signed off within one year following its expiration date pursuant to 28-116.4 of the Administrative Code. The date of the summons is 7/21/25.

As evidence, Petitioner submits the overview of complaint #3A22494, the permit itself, which shows the effective dates from 3/31/23 to 3/31/24, describing the nature of the work which is apartment #4 renovation and roof deck installation, new smoke detectors and lighting.

Respondent moves to dismiss on the ground that such summons is duplicative of #039154358J. The two summonses are almost identical and reference the same Permit #. The only difference is that 58J lists 3/30/24 as its expiration, and the instant summons lists 3/31/24 as its expiration.

In rebuttal, Petitioner's attorney states that they both have the same Job #, and the beginning of both permits are B0804384, but 58J is a structural permit and the current one is a general contractor (GC) permit. She also states that Respondent should know the difference because many permits were taken out for this construction project, and for these specific two, the expiration dates are different. The full permit # for 58J is B0804384-S1-ST, and is classified as alteration, with work on the roof, and described as filing structural plans of roof deck/framing, whereas the current one (ending in 63Y) has the full permit #B0804384-11-GC, and is classified as alteration, work on 004 and roof, with description as apartment #4 renovation and roof deck installation, plus smoke detectors and lighting. The dates of the permits differ, in that the 58J one is from 3/30/23-3/30/24 and 63Y is 3/31/23-3/31/24.

Respondent's attorney counters by stating that the Respondent could not possibly know what Petitioner was referring to by the face of the summons. The summonses are identical, with the same Permit #s, and the dates are off by one day, which could have easily been interpreted as a typo. The last four digits are not included in the summons, making them look identical, and violative of **Section 6-08(c)(2)** of the OATH Rules of Practice for the City of New York, which requires that the Summons contain, at a minimum, a clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged. He also adds that the permits were presented at the hearing, and the last four digits should have been included on the face of the summons. He further states that neither summons makes clear that these are two separate findings, and both summonses have identical permit numbers.

Respondent does not have a defense on the merits.

Administrative Code 28-116.2.4.2 requires that the final inspection for permitted work must occur within one year of the expiration of the last permit. The inspection can be performed by the department, the permit holder, the registered design professional of record, or the superintendent of construction. I do not find the current summons and the one ending in 58Y to be duplicative. They are not identical, as the permit expiration dates differ. However, I do find that this summons does not set forth enough information to inform Respondent with a reasonable certainty and clarity of essential facts. I find the two different summonses confusing in that the entire permit number is not listed on either, plus they are almost identical. They were also served at the same time, which the Respondent might question whether one was a mistake due to the likeness of both. As such, the summons is dismissed on this procedural ground.

Janine Azriliant

04/14/2026

04/14/2026

Janine Azriliant, Judicial Hearing Officer

Date