



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 039534153K et al. (1 summonses) DEPT OF BUILDINGS, -against- FRONT WAVE CONSTRUCTION* Hearing Date : 3/17/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 1,000.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039534153K	Sustained	11/04/2024	59 HENRY STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B211	BC 3307.7	Sustained	1,000.00

Total Penalty for Summons: 1,000.00

Findings of Facts & Conclusions of Law

Petitioner appeared by DOB representative, Henry Pita Esq. and issuing officer, Insp. Jerry Williams, Badge # 3438. Respondent, FRONT WAVE CONSTRUCTION*, appeared by its attorney, Frank Tamberino Esq., to answer a charge of failing to construct/maintain job site fence pursuant to code. The first hearing date was January 9, 20205

Mr. Pita relied on the allegations in the summons, as well as pictures in support of the allegations in the summons (see Pet. Exh. A). Mr. Pita also questioned Insp. Williams who reitertaed the allegations as stated in the summons

Mr. Tamberino disputed the summons stating that the viewing panels were only about 2 inches smaller that the required size; that the fencee was painted green; that the wood panels wewre not actually damaged; and that there was only one protruding nail with the sharp pointed side facing downwrds.

I credit the allegation in the summons as well as the evidence and testimonies prersented by Mr. Pita and Insp. Williams. I find that Respondent has neither rebutted the charge nor established a valid defense to the violation. I find that the evidence presented, especially the pictures, demonstrate that Respondent failed to construct/maintain job site fence pursuant to code in that there was a protruding nail, missing viewing panels, viewing panels that were not the proper size, part of the fence panels not painted hunter green, and damaged wood panels. Accordingly, the summons is SUSTAINED and the standard class 2 penalty is imposed.



03/22/2026

03/22/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date