



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039548296P et al. (1 Summons) DEPT OF BUILDINGS, -against- FRONT WAVE CONSTRUCTION Hearing Date: 02/26/2026 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
039548296P	Dismissed	12/21/2025	59 HENRY STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	Misc. BC—Chapter 33	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner New York City Department of Buildings (DOB) was represented by DOB attorney DANIEL BRICKMAN, ESQ.

Respondent FRONT WAVE CONSTRUCTION was represented by attorney FRANK TAMBERINO, ESQ. of the Nacmias Law Firm.

The Respondent is charged with a Class 1 violation of a Class 2 violation of § 3307.7.8 of the Building Code (BC), found in Title 28 of the Administrative Code of the City of New York (Code), for a job fence not constructed or maintained as required.

In the summons, the Issuing Officer affirmed observing on December 21, 2025, at 56 Henry Street in Manhattan, pedestrian protection not to code. Netting not fully extended between fence/gate & sidewalk shed. Netting is loose/open. Hazardous condition will not protect pedestrians from falling debris. Pursuant to chapter 3307.7.8 stop all work at exposure #1. Remedy: Comply with Code maintain netting.

I find the Issuing Officer's sworn-to summons narrative to be credible and persuasive.

Respondent denied the violation, arguing that the cited Code section was not an appropriate section of law to charge a violation, as 3307.7.8 dealt with the inspection of fences, not their maintenance or construction.

3307.7.8 Inspection of fences: Fences and related windscreens or netting shall be visually inspected at least once a week, or where a sidewalk shed is installed at the site, daily, by a person designated by the general contractor, or where there is no general contractor, the contractor causing the work to be performed, or where there is no active work, by the building owner to verify the fence and related windscreens or netting remains in a safe condition in accordance with Section 3307.7.7.

Petitioner made no recommendation.

Respondent moved for dismissal.

I find that the cited section of law dealing with the daily inspection of fences, windscreens and netting does not comport with the summons narrative. The summons is DISMISSED.

Mark Goichman

03/05/2026

03/05/2026

Mark Goichman, Judicial Hearing Officer

Date