



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: 037033667J et al. (1 Summons) DEPT OF BUILDINGS, -against- 2840 VALENTINE AVENUE LLC Hearing Date: 11/17/2025 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
037033667J	Dismissed	02/25/2025	230 EAST 198 STREET Bronx

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

Findings of Fact & Conclusions of Law

The summons was issued on February 25, 2025, with a return date of May 30, 2025.

Attorney Kimberly Manas appeared for Petitioner, Department of Buildings ("DOB"). Attorney Jonathan Weiss appeared for Respondent, 2840 VALENTINE AVENUE LLC., for a hearing on November 17, 2025.

Respondent is charged with 1 RCNY 103-09(e). The allegation is designated as a Class 2 major condition.

Summons alleges that ...failure to file a retaining wall condition assessment report by the deadline required...To date, the

department has not received a retaining wall condition assessment report for the retaining wall with a height of ten feet or more and fronting the public right of way...

Petitioner rested on the summons.

Respondent moved to dismiss because the provision does not apply to them since their wall is less than 10 feet tall. Respondent argued a prior summons, see Respondent Exhibit A, was also dismissed for the same issue.

Petitioner stated that they have nothing further.

1 RCNY 103-09(e) provides that The requirements of this rule apply to owners of retaining walls with a height of ten feet or more and fronting a public right-of-way...owners of retaining walls who are required to file a report must do so once during each five-year report filing cycle. . .

I credit the Respondent's argument and evidence. Since Respondent's wall is less than 10 feet, I find that the cited provision does not apply to their wall.

Accordingly, the summons is dismissed.

Iyayi Uwa

11/20/2025

11/20/2025

Iyayi Uwa, Judicial Hearing Officer

Date