



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: 014153427M et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- DISTRIKT HOTEL Hearing Date: 12/31/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014153427M	Sustained	10/28/2024	342 West 40th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF17	VC17 .	Sustained	\$1,875.00
2	BF19	VC19 .	Sustained	\$1,500.00
3	BF30	VC30 .	Sustained	\$2,250.00

Findings of Fact & Conclusions of Law

Respondent received an FDNY summons for violations of VC17, VC19 and VC30 of the New York City Fire Code. In the summons, the issuing officer (IO) stated that on December 18, 2024 t 2:49 PM, Respondent was in violation of

VC17 - failed to obtain required certificate of fitness for life and safety director - provide and maintain during regular business hours, a person holding certificate of fitness as a fire and life safety director for the premises

failed to produce required certificate of fitness for life and safety director- provide and maintain sufficient personnel holding a certificate of fitness as an FLSD for these premises

VC 19 - failed to provide documentation approval for fire protection and/or communication system - failed to provide letter of approval for fire alarm/special services pump on the roof

VC30 - failed to comply with emergency planning and preparedness requirements by failing to prepare and submit amended emergency preparedness plan acceptable by FDNY. Failed to submit amended fire safety plan for approval (fire alarm is not in the plan/insufficient FLSD).

This is a repeat violation of summons #014108608Z.

In a phone in hearing, Mr. Frank Tamberino, attorney for Respondent and Petitioner FDNY agency representative, Mr. Russell Walker, appeared. The prior summons was on March 25, 2024 for the same violations of the NYC Fire Code and Respondent was found in violation. During the hearing, Respondent submitted correction, which was marked into evidence as Respondent Exhibit A. Petitioner reviewed and did not deem the correction acceptable. Mr. Tamberino only sent over three certificate of fitnesses where a minimum of four are required. The fourth document was a letter that the person was in the process of getting the certificate but had not yet done so. Further, Mr. Tamberino did not submit correction for the other violations. Petitioner recommended standard penalties for VC17, VC19 and VC30. Mr. Tamberino asked for an adjournment. Petitioner objected as it was a repeat violation and the first hearing date was December 18, 2024. I denied the request for the adjournment as it was a repeat violation and Respondent had over a year to get the required documentation but failed to do so.

Here, I credit the IO's statement. Respondent did not submit adequate documentation for correction for VC 17, VC19 and VC30. Respondent had over a year to obtain the proper documentation but failed to do so. As such, based on the foregoing, I find the Respondent in violation of VC17 with a standard penalty for a repeat offense of \$1875; of VC19 with a standard penalty of a repeat offense for \$1500 and of VC30 with a standard penalty for a repeat offense of \$2250.



12/31/2025

12/31/2025

Lori Costello, Judicial Hearing Officer

Date