



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039524098H et al. (2 summonses)

DEPT OF BUILDINGS,

-against-

PROP PARTNERS LLC* EMPIRE

Hearing Date : 8/1/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 3,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039524098H	Sustained	12/14/2023	310 FENIMORE STREET, Brooklyn

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039524099J	Sustained	12/14/2023	310 FENIMORE STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

Findings of Facts & Conclusions of Law

Respondent PROP PARTNERS LLC appeared at a remote telephonic hearing on 8/1/2025 for two Summonses by Frank Tamberino, Esq. of the Nacmias Law Firm.

Petitioner NYC Dept. of Buildings appeared by Joseph Casciano, Esq.

Respondent is charged in Summons #: 39524098H with a Class 2 violation of NYC Building Code (BC) 3307.7.

Mr. Tamberino denied the violation but presented no facts to rebut the allegations in the Summons and presented no valid legal defense to the charge. He said the violation was corrected after the first scheduled hearing date.

I credit the unrefuted allegations in the Summons and find Respondent in violation.

Accordingly, Summons #: 39524098H is sustained, and the approved Class 2 penalty is imposed.

Respondent is charged in Summons #: 39524099J with a Class 1 violation of BC 3303.4.1.1 for broken pedestrian sidewalk at exp. #1.

Mr. Tamberino challenged the Class 1 designation of the charge. Mr. Casciano contacted the IO, Insp. Lazo, regarding Respondent's Class challenge during the hearing. He, thereafter, moved to amend the classification of this violation to Class 2. The amendment to Class 2 was granted at the hearing.

Mr. Tamberino thereafter denied the violation but presented no facts to rebut the allegations in the Summons and presented no valid legal defense to the amended charge. He said the violation was corrected after the first scheduled hearing date.

I credit the allegations in the Summons as amended to Class 2 and find Respondent in violation.

Accordingly, the Summons #: 39524099J is sustained (as amended to Class 2) and the approved Class 2 penalty is imposed.

 08/01/2025 08/01/2025	
Jerilyn F. Rubin, Hearing Officer	Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

112018