



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Trambino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 035685544K et al. (1 Summons) DEPT OF BUILDINGS, -against- EMPIRE PROP PARTNERS LLC Hearing Date: 03/23/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$5,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035685544K	Sustained	07/30/2024	38-16 CRESCENT STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B115	BC 3301.2 AC27-1009A	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

The summons was issued on July 30, 2024, with a return date of October 8, 2024.

Attorney Deanna Bulbridge appeared for Petitioner, Department of Buildings. Attorney Frank Tamberino appeared for Respondent, EMPIRE PROP PARTNERS LLC, for a hearing on March 23, 2026.

Respondent is charged with NYC Building Code Section 3301.2. The allegation is designated as a class 1 immediate hazardous condition.

Summons alleges that ...failure to institute/maintain safety equipment measures...no guardrails...there were no and inadequate guardrails system provided...stair openings missing rails, missing toe boards, missing netting...hazardous falling condition for workers...

Petitioner submitted photos, see Petitioner Exhibit 1, to establish condition observed. Petitioner argued that the photos indicate loose netting and lack of toe boards.

Respondent challenged the class 1 since it was not immediately hazardous. Respondent argued that there are no photos of missing guardrails.

NYC Building Code Section 3301.2 provides.... "Contractors, construction managers, and subcontractors engaged in construction or demolition operations shall institute and maintain all safety measures required by this chapter and provide all equipment or temporary construction necessary to safeguard the public and property affected by such contractor's operations."

I credit the allegations in the summons. I find that the Respondent did not have a valid defense. I find there is no requirement to provide photos to establish the condition observed. The details of summons were sufficient to establish a prima facies case. The burden shifted to Respondent to refute the charge, and they failed to establish there were guardrails, proper netting, and toe boards in place when the summons was issued. Pursuant to details of the summons, I find that Class 1 immediate hazardous condition was established because the violating condition affects life, health, safety, property, or the public interest that does warrant immediate corrective actions.

Accordingly, the Summons is sustained and the standard penalty of \$5000 is imposed.

Iyayi Uwa

04/02/2026

04/02/2026

Iyayi Uwa, Judicial Hearing Officer

Date