



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

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

Summons# : 035685545M et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

EMPIRE PROP PARTNERS LLC

Hearing Date : 3/23/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 625.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035685545M	Sustained	07/30/2024	38-16 CRESCENT STREET, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B282	AC 28-105.12.2	Sustained	625.00

Total Penalty for Summons: 625.00

Findings of Facts & 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 New York Administrative Code 28-105.12.2. The allegation is designated as a class 1 immediately hazardous condition.

Summons alleges, in relevant parts, work does not conform to approved construction documents and/or approved amendments...

Petitioner submitted photos, see Petitioner Exhibit 1, and argued that what was observed was contrary to the design drawings.

Respondent challenged the class 1 and argued that the plans were amended and approved so this does not rise to class 1. Respondent submits the amended plans, see Respondent Exhibit A.

Petitioner moved to amend the class from 1 to a 2. Petitioner recommended mitigation.

New York Administrative Code 28-105.12.2 provides, in relevant parts, that "All work shall conform to the approved construction and submittal documents, and any approved amendments thereto. Changes and revisions during construction shall conform to the amendment requirements of this code."

I credit the Petitioner's evidence. I will grant the amendment to the class from 1 to a 2. I find that Respondent did not have a valid defense, but correction was timely. I find that this is a class 2 major condition because the violating condition affects life, health, safety, property, or the public interest but it does not require immediate corrective action.

Accordingly, the summons is sustained. I am imposing a mitigating penalty of \$625.

 04/02/2026	04/02/2026
Iyayi Uwa, Judicial Hearing Officer	Date