



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: 035685548H et al. (1 Summons) DEPT OF BUILDINGS, -against- JENNY CHENG Hearing Date: 03/23/2026 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
035685548H	Dismissed	07/30/2024	38-16 CRESCENT STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2G5	BC3301 .13.7 THRU .13.13	Dismissed	\$0.00

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, JENNY CHENG, for a hearing on March 23, 2026.

Respondent is charged with New York Building Code 3301.13.7 through 3301.13.13. The allegation is designated as a Class 2 major condition.

Summons alleges, in relevant parts that ...construction superintendent fails to perform duties as per code...

Petitioner submitted photos, see Petitioner Exhibit 1, to establish condition cited.

Respondent argued this is improper service since two boxes were checked off in the affidavit of service. Respondent argued that they were not the construction super when the summons was issued. Respondent argued that their name is not on the permit.

Petitioner argued that the Respondent name is listed on the logbook as the summer. Petitioner argued that the Issuing Officer (IO) was right to post summons after making the proper inquiry.

BC § 3301.13.7-13 provides, with certain exceptions not applicable here, as follows: The duties of a construction superintendent shall include: 1. Acting in a reasonable and responsible manner to maintain a safe job site and assure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible...

I credit the Respondent's argument on service. I find that service was defective. Where the IO completed the incorrect section on the affirmation of service, it may be supplemented by his testimony. See *NYC v. Pentecostal Church Jericho*, Appeal No. 1300564 (July 25, 2013). I find that the Issuing Officer did not appear to clarify why two boxes were checked off. In addition, I find that the affidavit of service indicates Respondent, an individual, served as a corporation.

Accordingly, the summons is dismissed.

Iyayi Uwa

04/06/2026

04/06/2026

Iyayi Uwa, Judicial Hearing Officer

Date