



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 039169397Y et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>6710 15TH AVE LLC</b><br><br><b>Hearing Date: 03/13/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$500.00**

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

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE     |
|------------|---------------------|--------------------|-------------------------|
| 039169397Y | Sustained           | 12/04/2025         | 6710 15 AVENUE Brooklyn |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT    | PENALTY  |
|-----------|-----------|-------------------|-----------|----------|
| 1         | B302      | 28-301.1          | Sustained | \$500.00 |

**Findings of Fact & Conclusions of Law**

Daniel Brickman, attorney, appeared on behalf of the Petitioner, Dept. of Buildings ("DOB") and Frank Tamberino, attorney, appeared on behalf of the Respondent, 6710 15th Ave LLC at a remote hearing held on 3/13/2026.

Respondent is charged with a class "3" violation of AC 28-301.1 for failure to maintain building in code compliant manner. The IO noted "at time of inspection section of the construction fence approximately 20 linear feet missing on exp. 2 and exp. 4 adjacent to building on both sides.

AC 28-301.1 provides, in pertinent part, that "all safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules shall be maintained in good working condition" and that "the owner shall be responsible at all times to maintain the building and its facilities ...in a safe and code-compliant manner..."

Respondent submitted copy of document showing a letter of completion was issued on 4/19/2024 for job # B00990756-11 at the location of the occurrence. Additionally, Respondent submitted copy of permit for installation of temporary construction fence issued on 8/16/2024 and expiring on 8/16/2025. (Ex A). Respondent argued that if there is no active construction and demolition occurring no fence is required.

A violation of AC 28-301.1 may be established by showing that the owner either failed to maintain his property in a safe manner or failed to maintain his property in a code-compliant manner.

The fact that a letter of completion was issued does not create a defense to the violation that Respondent failed to maintain the construction fence. I find that Respondent failed to establish a defense to the violation.

Accordingly, I find Respondent in violation and impose the mandatory penalty.



03/26/2026

03/26/2026

Janet Gawthrop, Judicial Hearing Officer

Date