



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street, 1st fl 1st Floor Brooklyn, NY 11217	Summons No: 014167786L et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- 4812 THIRD LLC Hearing Date: 05/27/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014167786L	Sustained	01/29/2025	4812 Third Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF08	VC8 .	Sustained	\$700.00
2	BF25	VC25 .	Sustained	\$900.00

Findings of Fact & Conclusions of Law

The summons alleges violation a VC8 and a VC 25 violation of the NYC Fire Code

Khadija Hassan appeared for the agency that issued the summons, New York City Fire Department.

Frank Tamberino, Esq. appeared for the respondent, 4812 Third LLC.

Petitioner rested on the sworn statement of the issuing officer.

Respondent did not refute the allegations in the summons and submitted proof of correction.

Petitioner recommended a standard penalty stating evidence submitted was not sufficient to substantiate correction prior to the initial hearing date.

Upon inquiry, respondent stated he did not have additional information or evidence.

Respondent requested an adjournment to submit additional evidence of correction which petitioner objected to as the hearing was previously adjourned for that purpose. Upon inquiry, respondent stated he was not aware of any exigent circumstances that prevented his client from procuring the required documentation. As such, the motion to adjourn was denied.

The Board has no authority to rule on DOB's issuance, enforcement, or certification policies or procedures. DOB v. Fresh Meadows Childrens Farm L, Appeal No. 2200483(June 30, 2022). Likewise, the board would not have authority to rule on the FDNY's issuance, enforcement or certification policies or procedures. Here, after review of the evidence submitted by respondent the petitioner has determined that the proof of correction was insufficient.

I credit the factual allegations in the summons which support a violation of the cited code section and find that the respondent is not entitled to a mitigated penalty as the evidence submitted did not establish timely compliance. Accordingly, the summons is sustained, and the mandatory penalty is imposed.

Ilene Sussman

06/02/2025

06/02/2025

Ilene Sussman, Hearing Officer

Date