



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039142226J et al. (1 Summons) DEPT OF BUILDINGS, -against- 16 CHRISTOPHER STREET, LLC Hearing Date: 01/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039142226J	Sustained	03/19/2025	16 CHRISTOPHER STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

A hearing was held telephonically on January 5, 2026 in connection with summons number 039142226J ("the summons") which was issued as a Class 1 violation of N.Y.C. Building Code Section 28-105.1 based on the hazard to passing pedestrians.

Representative Cassie Rene appeared on behalf of the Petitioner, and Attorney Frank Tamberino appeared on behalf of the Respondent.

The Petitioner submitted an evidence package for consideration consisting of the summons, affirmation of service and photos of the cited condition.

The Petitioner also indicated that there is no compliance on record and seeking the assessment of a standard penalty.

The Respondent submitted an evidence package consisting of 3 photos and requested mitigation. Also, the Respondent challenged the class designation in the summons contending that there was no immediate hazard but a closed fence small section was impacted.

In rebuttal, the Petitioner maintains that the Class 1 designation is supported by the Inspecting Officer's summons and the other documents submitted at the hearing.

Upon review of the Respondent's evidence, the Petitioner recommended the assessment of a mitigated penalty.

The Petitioner's document submissions bear relevancy and shall be admitted into the record in the entirety.

The Respondent's document submissions support at least one of the defense(s) raised at the hearing and shall be admitted into the record in the entirety.

Regarding the merits, I credit the evidence package of the Petitioner which support sustaining the summons. While the Respondent challenges the Class 1 designation, no credible evidence was presented at the hearing supporting that the class designation in the summons was not warranted given the potential hazard to passing pedestrians resulted from the cited condition. As such, the summons will be sustained as a Class 1 violation.

However, both the Respondent and the Petitioner agree that the evidence submitted by the Respondent at the hearing supports mitigation. As such, a mitigated penalty for a Class 1 violation of N.Y.C. Building Code Section 28-105.1 shall be imposed in the amount of \$1,250.00.

April Forbes

01/05/2026

01/05/2026

April Forbes, Judicial Hearing Officer

Date