



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: 039145376Z 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: \$625.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039145376Z	Sustained	04/18/2025	18 GAY STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B201	28-105.1	Sustained	\$625.00

Findings of Fact & Conclusions of Law

A hearing was held telephonically on January 5, 2026 in connection with summons number 039145376Z ("the summons").

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 consisting of the summons, affirmation of service, and photos of the cited

conditions. Also, the Petitioner indicated that it has not yet received any evidence of correction and is seeking standard penalty.

The Respondent submitted a work permit as evidence of correction and is seeking mitigation.

Also, the Respondent made a motion to dismiss the summons as duplicative with summons number 39079306K ("prior summons"). The Respondent indicated that the Respondent was found in violation as it relates to the prior summons. The Respondent relied upon an appeals case: Appeal No. 1100353 *NYC v. Eyda Galeano* (July 21, 2011) in support of dismissal based on the defense of duplication.

In rebuttal, the Petitioner recommended the assessment of a mitigated penalty since the work permit was obtained by the Respondent prior to the first hearing date. However, the Petitioner opposed the Respondent's motion to dismiss contending that there is no duplication between the instant summons and the prior summons. The Petitioner relied upon photos taken of the prior summons.

The Respondent submitted a copy of the prior summons as evidence in further support of duplication.

Regarding the respective document submissions by the parties, all of the submissions bear some relevancy to the summons and accordingly shall all be admitted into the record as evidence.

It is hereby determined that the summons are not duplicative since the summons were issued years apart and do not appear on their face to relate to the same work without a permit being performed at the premises. To that end, the instant summons was issued as a Class 2 violation of Section 28-105.1 based on the observation of shoring erected on the second floor bathroom to support the third floor joist without any permit on file with the Department of Buildings. The prior summons ending in 306K was issued as a Class 1 violation of Section 28-105.1 based on the observation of structural shoring installed on the second floor rear apartment providing support to a 3rd floor bathroom at the premises without any permit and with the work being 100 percent completed. As such, the Respondent's motion to dismiss is denied.

However, the Respondent has submitted evidence supporting mitigation and for which the Petitioner concurs that mitigation should be considered. Therefore, the summons will be sustained and a mitigated penalty in the amount of \$625.00 shall be imposed.

April Forbes

01/05/2026

01/05/2026

April Forbes, Judicial Hearing Officer

Date