



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: 035682402L et al. (1 Summons) DEPT OF BUILDINGS, -against- GREEN HOUSETOWN CORP Hearing Date: 09/25/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035682402L	Sustained	06/21/2024	35-30 146th Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B106	AC 27MISCAC28MISCBCMI	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

The summons alleges that on 6/21/24, the Respondent, Green House Town Corp, was in violation of BC section 3305.3.6.1.2, Class 1, in that at the time of inspection the IO observed at 4th floor exp #3 and #1 unsecured shoring posts with limit less than 10 feet from the slab edge at 35-30 146th Street, Queens, NY. Reshoring within 10 feet of an unenclosed perimeter of a building shall be secured to prevent them from falling off the building.

Frank Tamberino, Esq. appeared for Respondent. Henry Pita appeared for Petitioner DOB with IO Win #2730. Petitioner rested on the summons and provided photographs taken by the IO on the date of occurrence (See Pet. Ex.).

Mr. Tamberino challenged class, arguing that there is an orange barrier in place with barricade netting, so the perimeter is enclosed, that at least one of the shoring posts appears to be nailed in place, and that the condition is not immediately hazardous. On the face of the summons the IO indicates the condition "*may* cause public and workers hazardous condition" not that it is a hazardous condition warranting immediate corrective action.

The IO testified that the post he photographed was not secured with at least two nails or wire, the posts were not stable, and they were close to the edge, and this created an immediately hazardous condition.

BC 3305.3.6.1.2 states: "Reshores in proximity to unenclosed perimeters. Reshores within 10 feet (3048 mm) of an unenclosed perimeter of a building shall be secured to prevent them from falling off the building."

I credit the IO's testimony and photographic evidence. The unsecured posts observed are beyond the barricade netting and within 10 feet of an unenclosed perimeter. The IO testified that the condition *posed* a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons in that the posts could have fallen from a significant height and harmed someone below. Respondent has not rebutted the charge. Accordingly, the summons is sustained.

Lara M.

10/07/2025

10/07/2025

Lara Bianchi, Hearing Officer

Date