



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: 039134446L et al. (1 Summons) DEPT OF BUILDINGS, -against- BOULIS CONSTRUCTION CORP Hearing Date: 09/11/2025 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
039134446L	Sustained	01/03/2025	277 EAST 207 STREET Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B2P7	MISC .BC-CHAPTER 33	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

Respondent appeared by Frank Tamberino, attorney. Petitioner waived their appearance because no representative was available after 30 minutes expired. I am denying Petitioner's request for an adjournment because they previously requested that this matter be adjourned for the IO and today was the day they were to appear with the IO.

Respondent is charged with failure to comply with TTP or tenant protection plan, with missing signs.

Respondent argues that there is no evidence of immediately hazardous condition based missing signs for no smoking and for missing one fire extinguisher. Respondent argues there were other fire extinguishers present. There was no work being done in

the area. Tenants did occupy this area.. The summons note there was no plastic around the work area.

Respondent argues there was no work going on, but was unable to provide any evidence of this. The summons does not note active work though.

Respondent argues that only one fire extinguisher that was missing and there were others.

Respondent argues that the class should be amended to B2P7 from B1P7 because there is no allegation of immediately hazardous condition, and there were other fire extinguishers present. I am persuaded by respondent's argument and I am amending this to a class 2.

Respondent argues that correction was made before the first hearing date, as per submitted document showing the print out of the bis page that shows that it was correcoted prior to the first hearing.

I am therefore offering mitigation and sustaining this violation as a class 2. The mitigated penalty is \$1250

Janet Winter

09/11/2025

09/11/2025

Janet Winter, Hearing Officer

Date