



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*  
**Decision**

|                                                                                                                     |                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br><b>592 Pacific Street 1st Floor</b><br><b>Brooklyn, NY 11217</b> | <b>Summons# : 039132250K et al. (2 summonses)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>830 E 233 ST CORP 830 EAST 233RD STREET CORP. C/</b><br><br><b>Hearing Date : 11/10/2025</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                               |                 |                               |                       |
|-------------------------------|-----------------|-------------------------------|-----------------------|
| <b>Total Penalty Amount :</b> | <b>1,250.00</b> | <b>Community Service(Hr):</b> | <b>Not Applicable</b> |
|-------------------------------|-----------------|-------------------------------|-----------------------|

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>    |
|------------------|----------------------------|---------------------------|-------------------------------|
| 039132250K       | Dismissed                  | 12/06/2024                | 836 EAST 233 STREET,<br>Bronx |

| <b>LINE ITEM</b> | <b>OATH CODE</b> | <b>CODE SECTION / RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|------------------|------------------|----------------------------|---------------|----------------|
| 1                | B202             | 28-301.1                   | Dismissed     | 0.00           |

**Total Penalty for Summons: 0.00**

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE           |
|------------|---------------------|--------------------|-------------------------------|
| 039132254H | Sustained           | 12/06/2024         | 836 EAST 233 STREET,<br>Bronx |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY  |
|-----------|-----------|---------------------|-----------|----------|
| 1         | B263      | 28-204.4            | Sustained | 1,250.00 |

**Total Penalty for Summons: 1,250.00**

### **Findings of Facts & Conclusions of Law**

This hearing was conducted by Court Call on October 24, 2025.

Petitioner New York City Department of Buildings (DOB) was represented by DOB attorney Henrietta Asiedu Baidoo. Respondent 830 E 233 ST CORP 830 EAST 233RD STREET CORP. C/ appeared by attorney Frank Tamberino. The hearing consisted of two Summonses.

Summons ending 50K charges a violation of NYC AC 28-301.1- FAILURE TO MAINTAIN BUILDING IN CODE-COMPLIANT MANNER. Specifically, the Summons states, "OCCUPANCY CONTRARY TO THAT ALLOWED BY THE CERTIFICATE OF OCCUPANCY OR BUILDINGS DEPARTMENT RECORDS. NOTED THE GAS STATION IS OPERATING WITHAN EXPIRED C OF O #56671, EXPIRED OCT 22, 1994. BSA189-03-BZ EXPIRED OCT 12,2013. SEE ECB #39107690J."

In support of the summons Ms. Baidoo provided the expired C of O; proof of the prior violation; a pdf containing the photographs taken by the inspector at the date of occurrence along with Appeal No. 2001142 DOB v. 9-11 Stanton Street Realty Cor January 14, 2021 and Appeal No. 2401764 DOB v. Erynn 5th Apartment Co. January 30, 2025.

Respondent argued the Summons cited an improper provision of law in that this is paperwork violation for allowing the certificate of occupancy to expire, not for failing to maintain the structure of the building as required by the cited section of law.

Here I find the cited provision of law requires, "All buildings and all parts thereof and all other structures shall be maintained in a safe condition." I find the paperwork violation here for an expired C of O does not fall within the ambit of the cited section of law. Accordingly, the summons fails to establish a prima facie violation, and the summons is dismissed.

Summons ending 54H charges a violation of NYC AC 28-204.4- FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER TO FILE A CERTIFICATE OF CORRECTION WITH THE DEPARTMENT OF BUILDINGS.

Specifically, the Summons states, "FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER TO FILE A CERTIFICATE OF CORRECTION WITH THE DEPARTMENT OF BUILDINGS. NO CERTIFICATE OF CORRECTION ON FILE FOR ECB VIOLATION #39107690J, ISSUED 03/05/2024 BY BADGE #2885.

In support of the summons Ms. Baidoo provided the expired C of O; proof of the prio violation; and a pdf containing the photographs taken by the inspector at the date of occurrence.

Respondent represented that the respondent was still in process of obtaining an updated C of O and entered a denial with no rebuttal evidence provided.

I credit the summons details and evidence provided by the petitioner. I find it establishes a prima facie violation of the charged section of law. Accordingly, the summons is sustained.



11/10/2025

11/10/2025

**William Ross, Judicial Hearing Officer**

**Date**