



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

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Frank Tamberino, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 037030195R et al. (1 Summons)</b><br><br><b>DEPT OF BUILDINGS,</b><br><br><b>-against-</b><br><br><b>EQUIPMENT REALTY</b><br><br><b>Hearing Date: 07/24/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$0.00</b>          |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 037030195R       | Dismissed                  | 10/01/2024                | 131-36 20th Ave Queens     |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | B179                 | AC<br>1RCNY-MISC, RS-MISC    | Dismissed     | \$0.00         |

**Findings of Fact & Conclusions of Law**

The summons was issued on October 1, 2024, with a return date of June 28, 2024.

Attorney Deanna Bulbridge appeared for Petitioner, Department of Buildings. Attorney Frank Tamberino appeared for Respondent, EQUIPMENT REALTY, appeared for a hearing July 24, 2025.

Respondent is charged with 1 RCNY 103-16. The allegation is designated as a Class 1 immediately hazardous condition.

Summons alleges that ...failure to submit the required parking structure initial observation report for an existing parking

structure or a periodic inspection of a parking structure (PIPS) report documenting the conditions...by the August 1, 2024 deadline...

Petitioner rested on the summons.

Respondent argued that this parking structure is not enclosed therefore it is exempt from the regulation. Respondent submits a certificate of occupancy, see Respondent Exhibit A, engineer report, see Respondent Exhibit B, and a DOB letter, see Respondent Exhibit C, admitting the property is not subject to the PIPs report.

Respondent stated that they had nothing further.

1 RCNY 103-16 provides, in relevant parts, that...the owner of the building in which a parking structure is located and whose condition assessment report is due as set forth in item (B) or (C) of subparagraph (v) of paragraph (4) of subdivision (c) of section 103-13 of these rules, must have a one-time initial observation of the parking structure performed by or under the direct supervision of a qualified parking structure inspector ("QPSI"), as defined in section 101-07 of these rules. The results of such initial observation must be filed with the Department by August 1, 2024 on a form provided by the Department.. . .

I credit the Respondent's argument and evidence. Pursuant to DOB's letter submitted, I find that Respondent's property is exempt from submitted the report.

Accordingly, the summons is dismissed.

*Iyayi Uwa*

08/01/2025

08/01/2025

Iyayi Uwa, Hearing Officer

Date