



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 039136708L et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

ALMA DESIGN INC

Hearing Date : 9/25/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 2,500.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039136708L	Sustained	01/27/2025	3202 EMMONS AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B181	BC 3303.4 27-1018	Sustained	2,500.00

Total Penalty for Summons: 2,500.00

Findings of Facts & Conclusions of Law

The summons alleges that on 1/27/25, the Respondent, Alma Design Inc, was in violation of BC section 3303.4, Class 1, in that there was inadequate housekeeping at 3202 Emmons Avenue, Brooklyn, NY. IO observed loose construction materials at the open roof area not tied such as metal decking material, wooden pallets, garbage, debris, bags and sheetrock not neatly stored at the site.

Frank Tamberino, Esq. appeared for Respondent. Maria Dollas, Esq. appeared for Petitioner DOB with IO Lucas #3226. Petitioner rested on the summons and provided photographs taken by the IO on the date of occurrence (See Pet. Ex.).

The IO testified that at the time of inspection the site was closed, no ongoing construction activity. No one was present. The IO testified he saw sheeting, metal decking that could be easily blown about. Respondent left materials scattered.

Mr. Tamberino moved to dismiss, arguing that this is not class 1 violation, the site looks clean and neat. As per BC section 3303.4.4.2 cleaning must be done periodically. The cited conditions were observed at 1pm which is not enough time to conclude that there was a violation. Just because there were no workers on site does not mean the site was abandoned.

Petitioner argued that the site had large amounts of debris, as visible in the photographs, and there was no ongoing work at the time of inspection. Petitioner further argued that some of the items observed by the IO were at risk for dislodgement by wind making the condition an immediately hazardous one. Petitioner stating that Respondent did not provide the site safety log with notations of daily inspections, relying on appeal #0900667.

I credit the IO's statements on the NOV, testimony, and photographic evidence that a large quantity of debris was at the site. Respondent did not provide its site safety log with notations of daily inspections. Respondent's evidence is insufficient to show that it complied with the housekeeping requirements contained in BC Sections 3303.4.3 and 3303.4.4. Respondent has not rebutted the charge. Accordingly, the summons is sustained.

	10/07/2025
Lara Bianchi, Hearing Officer	Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
visit OATH's website www.nyc.gov/oath
or call 1-844-OATH-NYC

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