



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: 011824810K et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- 199 MALCOLM X, AMS LLC Hearing Date: 10/28/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$475.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
011824810K	Sustained	07/29/2025	199 MALCOLM X BLVD Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF09	VC9 .	Sustained	\$475.00

Findings of Fact & Conclusions of Law

CHARGES

Summons #011824810K charges Respondent with the following violation(s) of the FDNY Fire Code 3 RCNY §109-02 based on an inspection that took place on July 29, 2025, at 10:45am, at 199 Malcolm X Blvd, Brooklyn, NY:

VC9—"Rooftop Access and Means of Egress...."

Frank Tamberino appeared at a remote hearing that took place on October 28, 2025, as an authorized representative of

Respondent. Ines Gil appeared at the hearing on behalf of Petitioner.

RELEVANT LAW

3 RCNY §109-02 states in pertinent part:

"Violation Category 9: Rooftop Access and Means of Egress Failure to provide required rooftop access to, or required means of egress from, any premises or part thereof, free from obstructions or impediments, including unobstructed passage across the building parapet, unobstructed landing areas, and unobstructed clear paths, and overcrowding by reason of the presence of persons in locations that obstruct or impede egress, and/or failure to maintain rooftop access or means of egress...."

TESTIMONY

Ms. Gil rested on the summons.

Mr. Tamberino denied the violation without rebuttal and submitted photographs of correction (Respondent's A).

Ms. Gil recommended mitigation.

DECISION

The summons is sustained.

I credit the detailed, undisputed sworn allegations of the issuing officer as set forth in the summons and find that Respondent's Representative submitted no persuasive evidence to rebut them or to establish a defense.

Therefore, I find that at the time of inspection Respondent was in violation of FDNY Fire Code 3 RCNY §109-02, VC9, the minimum penalty for which on a first offense is \$950. I further find that correction was made prior to the first hearing date and am imposing the mitigated penalty of \$475.

Accordingly, the summons is sustained.



10/29/2025

10/29/2025

Sharah Thomas, Judicial Hearing Officer

Date