



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039141845Y et al. (1 Summons) DEPT OF BUILDINGS, -against- FENDT, VERA Hearing Date: 11/25/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039141845Y	Sustained	03/17/2025	32-36 213 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B101	28-105.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

Petitioner appeared by DOB representative, Anuj Vaidya. Respondent, FENDT, VERA., appeared by attorney, Frank Tamberino Esq., to answer a charge of performing work without first obtaining a DOB permit. The first hearing date was May 27, 2025.

Mr. Vaidya relied on the allegations in the summons as well as the evidence package which included pictures (see Pet. Exh. A).

Mr. Tamberino challenged the class of the charge stating that the violation in question did not warrant a class 1 charge. Mr.

Tamberino stated that at the time the summons was issued a stop-work-order was put in place but that such stop-work-order has been fully rescinded due to Respondent's timely correction (see Resp. Exh. A). Mr. Tamberino stated that the violation in question was not immediately hazardous and should have been charged as a class 2.

Mr. Vaidya testified that the work performed without a DOB permit, the vertical and horizontal extensions sititing on the concrete platform at the rear of the first floor by exp. # 3, is so elaborate and that such work could have structural deficiencies which could result in potential serious injury to persons and property. I agree.

I credit the allegation in the summons. I find that Respondent has neither rebutted the charge nor established a valid defense to the violation. I find based the violation is properly charged as a class 1. I therefore find that Respondent performed work without first obtaining a DOB permit. Accordingly, the summons is SUSTAINED and the standard class 1 penalty is imposed.



12/03/2025

12/03/2025

Akinwale Akinrefon, Judicial Hearing Officer

Date