



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: 039142541J et al. (1 Summons) DEPT OF BUILDINGS, -against- MPAM DEVELOPMENT LLC Hearing Date: 11/17/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$5,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039142541J	Sustained	03/24/2025	2518 ST RAYMONDS AVENUE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B1F8	28-207.2.5	Sustained	\$5,000.00

Findings of Fact & Conclusions of Law

The summons was issued on March 24, 2025, with a return date of May 30, 2025.

Attorney Kimberly Manas appeared for Petitioner, Department of Buildings and Attorney Frank Tamberino appeared for Respondent MPAM DEVELOPMENT LLC, on November 17, 2025.

Respondent is charged with NYC Administrative Code Section 28-207.2.5. The allegation is designated as a Class 1 immediate hazardous.

Summons alleges that ...tempered with, removed or defaced a written posted Stop Work Order (SWO) stickers was removed from the front entry door...

Petitioner rested on the summons.

Respondent requested an adjournment for the IO so they can interrogate the IO.

Petitioner argued that this was adjourned before by Respondent and they had a chance to request the IO at the prior hearing.

Petitioner argued that service was reasonable.

Respondent argued that they wanted the IO's presence to find out how long they waited before posting the summons.

On the merits, Respondent argued that they did not remove the SWO. Respondent argued that they are the current contractor.

Petitioner argued that the SWO travels with the violation.

Respondent argued that correction was timely and SWO was rescinded shortly after, see Respondent Exhibit A.

Petitioner argued that there is no mitigation for the charge.

New York City Administrative Code Section 28-207.2.5 provides.... It shall be unlawful to tamper with, remove or deface a written posted stop work order from the location where it was affixed unless and until such stop work order has been rescinded by the commissioner. The owner or other person in control of the location shall ensure that the stop work order remains posted until rescinded by the commissioner.

I credit the Petitioner's argument. I denied the Respondent motion to adjourn for the IO because they had an opportunity to request for the IO when they moved to adjourn at the prior hearing. Nevertheless, I find that service was proper since the IO posted the summons after ringing the doorbell, knocking on the door, and waiting five minutes prior to affixing the summons. On the merits, since Respondent is the person in control of the location, I find that they were responsible for ensuring the SWO remained posted. I find that this is a class 1 immediately hazardous condition because the violating condition affects life, health, safety, property, or the public interest and does require immediate corrective action.

Accordingly, the Summons is sustained and the standard penalty of \$5000 is imposed.

Iyayi Uwa

12/01/2025

12/01/2025

Iyayi Uwa, Judicial Hearing Officer

Date