



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: 039134482Z et al. (1 Summons) DEPT OF BUILDINGS, -against- SUYUNOVA, NEKADAM Hearing Date: 11/17/2025 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
039134482Z	Sustained	01/03/2025	80-10 192 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

The summons was issued on January 3, 2025, with a return date of March 11, 2025.

Attorney Kimberly Manas appeared for Petitioner, Department of Buildings and Attorney Frank Tamberino appeared for Respondent, SUYUNOVA, NEKADAM, on November 17, 2025.

Respondent is charged with New York City Administrative Code Section 28-105.1. The allegation is designated as a Class 1 immediately hazardous condition.

Summons alleges that ...observed vertical and horizontal extension of wooden studs and were placed on a concrete platform . There is no permit on DOB records for scope of work...

Petitioner submitted photos, see Petitioner Exhibit 1, to establish conditions observed. Petitioner argued that this was an extension with no permit.

Respondent challenged the class 1 and argued that the structure was stable. Respondent submitted a structural report, see Respondent Exhibit A.

Petitioner argued that the report is dated after issuance. Petitioner argued that this is class 1 because of the stability of structure.

Respondent argued that the report relates to work done and a permit, see Respondent Exhibit B, was issued to legalize work already done. Respondent argued that nothing more was done before the report.

Petitioner argued that the photos in the report indicate additional work done on the roof. Petitioner argued that they would recommend the standard penalty since the permit was obtained after the first hearing date.

New York City Administrative Code Section 28-105.1 provides, in relevant parts, that it shall be "unlawful to construct . . . alter . . . or change the use or occupancy of any building or structure in the city, . . . or to cause any such work to be done unless and until a written permit therefore shall have been issued by the commissioner. . ."

I credit the sworn statement of the Issuing Officer and the Petitioner's evidence. I find that the Respondent did not have a valid defense. Since the structural report was prepared after issuance and additional work was performed, I find that the report failed to establish that the structure observed when the summons was issued was stable. 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 \$2500 is imposed.

Iyayi Uwa

12/01/2025

12/01/2025

Iyayi Uwa, Judicial Hearing Officer

Date