



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 039143576Y et al. (1 summonses)

DEPT OF BUILDINGS,

-against-

31 SUNSET PARK HOLDINGS, LLC .

Hearing Date : 3/23/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039143576Y	Dismissed	04/01/2025	124 31 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B101	28-105.1	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

The summons was issued on April 1, 2025, with a return date of June 11, 2025.

Attorney Deanna Bulbridge appeared for Petitioner, Department of Buildings. Attorney Frank Tamberino appeared for Respondent, 31 SUNSET PARK HOLDINGS, LLC, for a hearing on March 23, 2026. Witness Jack Gula appeared for Respondent.

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 ...full gut demolition, fire stopping removed to the adjacent apartment 1F and basement...obtain permit.

Petitioner rested on the summons.

Respondent submits photos, in support of arguments.

Respondent moved to dismiss for defective service. Respondent argued that there was no reasonable attempt since the Issuing Officer (IO) did not ask if anyone was available to accept service.

Petitioner argued that the IO spoke to the owner and the owner told the IO to post the summons therefore service was proper.

Respondent argued that the phone call does not relieve the IO of their duty to make a reasonable attempt.

Respondent challenged the class 1 since no firestopping was removed.

Respondent examined the witness. Witness testified that the firestopping was in place and they just opened a section to repair pipes. Witness testified that the section was closed by the end of the day. Witness testified that the firestopping has not been removed and there was no one living there. Witness testified that the basement was abandoned.

Respondent argued that the firestopping was not removed, the place was not occupied, and this was a work in process when summons was issued.

Petitioner cross-examined the witness. Witness testified that this was an emergency repair after tenants were evicted. Witness testified that the building was occupied but apartment 1F was evicted. Witness testified that the basement was not occupied and no one had access to the basement. Witness testified that they did not need a permit because this was a repair of pipes not a replacement of pipes. Witness testified that bricks are fire-rated.

Respondent argued that any work was temporary, so class 1 has not been established. Respondent argued that this is class 2 since no fire stopping was removed and this was emergency work.

Petitioner argued that there were people occupying the building and there were conflicted statements if firestopping was removed. Petitioner argued that no emergency permit for work and no evidence submitted to establish the fire stopping was put back immediately.

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 Respondent's argument on service. Irrespective if service was attempted over a phone call with the building's owner, I find that service was not sufficient because the IO's affirmation of service fails to establish that inquiry was made for an authorized person to accept service on behalf of the Respondent. See NYC v. 1262 Broadway LLC, Appeal No. 1700647 (August 17, 2017).

Accordingly, the summons is dismissed.

Iyayi Uwa

04/06/2026

04/06/2026

Iyayi Uwa, Hearing Officer

Date