



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# : 039143578H 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
039143578H	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 ...observed new const subfloors being installed, wall studs and floor joist blocking...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 relive the IO of their duty to make a reasonable attempt.

Respondent challenged class 1. Respondent argued that the work was prior to demolition and there was no subfloor added.

Petitioner argued that there is no evidence to show a pre-existing condition.

Respondent examined the witness. Witness testified that they had to repair areas because of water penetration. Witness testified that the plywood was rotten, so they had to replace it. Witness testified that DOB's supervisor told the inspector to install the plywood.

Respondent argued that there were no new subfloors just repairs.

Petitioner cross-examined the witness. Witness testified that they were not performing the work. Witness testified that they were at the site in the morning but left. Witness testified that the plywood came the same day, but they were not there when the plywood was delivered. Witness testified that they have been a construction super since 2005.

Respondent moved to dismiss the summons.

Petitioner argued that no evidence was submitted to establish the work was not performed.

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