



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# : 039143579J 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
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039143579J	Dismissed	04/01/2025	124 31 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	B102	28-301.1	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 Respondent is charged with NYC Administrative Code section 28-301.1. The allegation is designated as a Class 1 immediate hazardous condition.

Summons alleges that ...observed open electric service box, multiple open splice boxes, wires hanging loose all in the basement...

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 examined the witness. Witness testified that the electricity was updated 40 years ago. Witness testified that no new wire was run, but they needed to open the box for 2 hours.

Petitioner argued that it is convenient that the box was only open when IO was there for 2 hours. Petitioner argued that multiple boxes were open and wires were hanging.

Respondent challenged the class 1 since there was nothing extreme occurring and the condition was temporary.

Petitioner argued that this was class 1 since wires were hanging since it was a fire hazard.

Section 28-301.1 provides, in pertinent part, that an owner shall be responsible at all times to maintain its building in a safe and code-compliant manner.

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.

 04/06/2026	04/06/2026
Iyayi Uwa, Hearing Officer	Date

