



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 No: 039143580R et al. (1 Summons) DEPT OF BUILDINGS, -against- 31 SUNSET PARK HOLDINGS, LLC . Hearing Date: 03/23/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039143580R	Dismissed	04/01/2025	124 31 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B157	28-105.1	Dismissed	\$0.00

Findings of Fact & 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 next fixtures to bathroom shower body, gas line open and drain line replacement...

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 photo submitted indicates repair not replacement. Witness testified that nothing was relocated. Witness testified that ashower was changed so it was just a replacement. Witness testified that gas valve is closed in the photo.

Respondent moved to dismiss. Respondent argued that the gas line was closed so no permit was required.

Petitioner argued that there were new pipes and a new drain line.

Respondent argued that there was no new drain line.

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.

George Uwa

04/06/2026

04/06/2026

Iyayi Uwa, Judicial Hearing Officer

Date