



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039063361R et al. (1 Summons) DEPT OF BUILDINGS, -against- 147-25 NORTHERN ASSOCIATES Hearing Date: 03/10/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$1,250.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039063361R	Sustained	06/02/2022	147-25 NORTHERN BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B151	28-304.1	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on March 10, 2026. Petitioner appeared through Henry Pita, Esq. Respondent appeared through Frank Tamberino, Esq.

Respondent was charged with a Class 1 violation of AC 28-304.1 with a cease use order issued.

Mr. Pita stood on the summons.

Mr. Tamberino challenged class. He submitted a DOB elevator record for the cited premises. See Resp. Ex. A. He argued

that the record reflected a second elevator at the premises such that there was a backup conveying system at the time of inspection should an emergency require elevator service to the different floors of the premises.

Mr. Pita inquired as to whether Respondent had any evidence that the second elevator serviced all of the floors of the premises. Mr. Tamberino did not. Mr. Pita argued that the charge was properly issued as a Class 1.

I credit the IO's sworn statements, establishing the prima facie case. I credit Respondent's evidence that there was a second elevator at the premises at the time of inspection. I cannot credit that same was properly functioning and servicing all floors at the time of inspection such that it would cut against the Class 1 designation.

Therefore I find Respondent in violation and impose the standard penalty.



03/17/2026

03/17/2026

Charles Simpkins, Judicial Hearing Officer

Date