



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: 035682183K et al. (1 Summons) DEPT OF BUILDINGS, -against- 15 W. 39 STREET NY LLC Hearing Date: 01/22/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
035682183K	Sustained	03/12/2024	15 West 39th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B104	AC 28-302.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on January 22, 2026.

Respondent 15 W. 39 STREET NY LLC was represented by Frank Tamberino.

Cassie René appeared on behalf of petitioner DOB.

Inspector R. Fraser, #2786, also appeared.

The summons charges: AC 28-302.1

Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector.

The inspector testified that it is a Class 1 given the height of the building. The hazard of falling debris still exists even if the shed is in place because falling objects from that height can ricochet off the shed. Also, there is no protection on the adjacent roofs on either side of the building and the loose metal flashing can be taken by the wind and fall on the street.

Respondent testified that they challenge the class given that there was a shed in place. However, the respondent acknowledges the shed permit was expired at the time the summons was issued but has since been renewed. Respondent submitted the renewed permit.

I credit the summons details, the petitioner's evidence, and the testimony of the inspector and I find that the petitioner has established a valid charge against the respondent, including support for the Class 1 designation given that the inspector testified to multiple hazards posed by the cited condition that are not addressed by the existence of the shed. I also find that the respondent has not established a valid defense.

The summons is sustained and the standard penalty is imposed.

 01/23/2026	01/23/2026
James Klein, Judicial Hearing Officer	Date