



Office of Administrative Trials and Hearings
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st FL Brooklyn, NY 11217	Summons No: 039170523Y et al. (1 Summons) DEPT OF BUILDINGS, -against- HUA, YE Hearing Date: 02/24/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$625.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039170523Y	Sustained	12/15/2025	33-12 161 STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B202	28-301.1	Sustained	\$625.00

Findings of Fact & Conclusions of Law

Frank Tamberino appeared for Respondent by phone. Andrew Berger, DOB, appeared by phone.

The summons charges a Class 1 violation of failing to maintain premises.

The summons alleges that Respondent had a fabric covered structure at the driveway with several combustible materials including portable plastic gas and compressed propane containers out in the open.

The DOB made a motion to amend to a Class 2 violation. The condition was certified corrected on January 14, 2026 and the

items were outdoors. The DOB believed that this was not immediately hazardous. Mr. Tamberino did not object to the amendment. I am granting the motion to amend to a Class 2 violation.

Mr. Tamberino denied the charge but had no rebuttal.

I find that the summons is credible and establishes a prima facie case that the Respondent was storing outside combustible material. Summons sustained.

As to the penalty, the DOB recommended the mitigated penalty since there was compliance before the first hearing date. I am imposing the mitigated penalty of \$625.

E. Barrett

02/25/2026

02/25/2026

Elizabeth Barrett, Judicial Hearing Officer

Date