



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Chia-Han Lin - Nacmias Law Firm, PLLC 592 Pacific Street New York, NY 11217	Summons No: 0216401507 et al. (1 Summons) Eric Eisenberg -against- SQUARE PIZZA Hearing Date: 11/19/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$50.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0216401507	Sustained	09/24/2022	316 W 39th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AN97	24-244 (B)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on November 19, 2024.

Chia Han Lin appeared as authorized representative for respondent Square Pizza. Petitioner Eric Eisenberg appeared at the hearing.

216401507 charges AC 24-244(b), respondent playing sound from speaker outside of business, as a fourth offense. Petitioner presented the records for the two prior summonses, which were found in violation, and the third prior summons is 216405714, which was heard in the same hearing as 216401507.

Mr. Lin testified that the respondent does not deny the charge, or the prior summonses, but only contests the penalty to be assessed. Mr. Lin presented Appeal 2400526, Eric Eisenberg v. Square Pizza, in support. Mr. Eisenberg presented part of a Verified Answer to an Article 78 proceeding with Index No 159847/2023, wherein the city includes OATH's position that there was only a temporary decrease in penalty for a 24 day period. It is noted that the full Answer was not presented, there is no indication as to what days the 24 day time period involves.

I credit the summons details and the evidence presented as to the priors, and I find that the petitioner has established a valid charge against the respondent. I find the respondent in violation, and in accordance with Appeal 2400526, a penalty of \$50 is imposed.

	NOV 29 2024	
11/29/2024		11/29/2024
Joan Giaccio, Hearing Officer		Date