



Office of Administrative Trials and Hearings
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 01355-25F0 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- GU-XIANG-WEI INC Hearing Date: 02/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,000.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
01355-25F0	Sustained	01/15/2025	4247 MAIN ST Queens

LINE ITEM	OATH CODE	VIOL CODE	CODE SECTION/RULE	CONDITION (SEVERITY)	RESULT	PENALTY
1	NA	18-01	NYCHC 81.05(a)	N	Sustained	\$1,000.00

Findings of Fact & Conclusions of Law

On February 18, 2025, Caroline Kane, Esq., attorney for Respondent, Gu-Xiang-Wei, Inc., d/b/a Gu Xiang Wei, appeared for a remote hearing by telephone. Petitioner did not appear and relied on the Issuing Officer's affirmed statements in the summons.

Respondent was charged with violation of NYC Health Code 81.05(a) for operating a food service establishment without a valid permit.

Issuing Officer affirmed in the summons that on January 15, 2025, "current valid permit to operate a food service establishment issued by the Department of Health and Mental Hygiene not provided in that permit expired on 06/30/2024. FSE was observed in operation, serving beef noodle soup and orange chicken to the customers. No change of ownership observed or provided..."

Respondent's counsel claimed that the permit was subsequently renewed and submitted a photo of the renewed permit

(marked as RA).

I credit the Issuing Officer's statements in the summons, which are not disputed. Respondent's subsequent renewal of the permit provides no defense. Therefore, the charge is sustained.



February 25, 2025

2/25/2025

Sooyung Lee, Hearing Officer

Date