



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: 24N01699 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- 308 malcolm x blvd Hearing Date: 12/09/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$100.00	Restitution: \$0.00
Suspension/Revocation/Sealing:	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
24N01699	Sustained	06/22/2024	308 MALCOLM X BLVD Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCUR- RENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	NYC Admin Code § 20-561(a)(1)	1	1	Sustained	\$100.00	

Findings of Fact & Conclusions of Law

The NYC Department of Consumer and Worker Protection, appeared by authorized representative, Inspector Jason Gobardham; Respondent, appeared by authorized representative, Caroline Kane.

The summons sets forth a violation of NYC Administrative Code, sections:

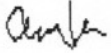
1. 20-561(a)(1): unlicensed electronic cigarette retail dealer;

(1) Re: 20-561(a)(1): Inspector Gobardham stated that he would rely on the allegations as set forth in the summons and produced supporting documents. He noted that the start date is 6/22/24.

Ms. Kane stated that Respondent stopped the cited activity on 6/22/24, the day the summons was issued and that the problem had been corrected. She argued that if any penalties are imposed, it should only be for 1 day.

I find that the summons sets forth a prima facie case. I credit Ms. Kane's penalty argument and I find that a penalty for 1 day should be imposed. I further find that Ms. Kane did not rebutted the allegations as set forth by Petitioner.

Accordingly, the charge is sustained and the mandatory penalties for 1 day is imposed.



December 18, 2024

12/18/2024

Aubrey Lees, Hearing Officer

Date