



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MABEL OGHOJAFOR - NACMIAS LAW FIRM PPLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 014117966N et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- 764 YEMEN DELI CORP Hearing Date: 02/11/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$750.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014117966N	Sustained	04/29/2024	764 ROGERS AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF11	VC11 .	Sustained	\$750.00

Findings of Fact & Conclusions of Law

Mabel Oghojafor, law clerk, appeared for the respondent, 764 Yemen Deli Corp, at 764 Rogers Avenue, Brooklyn, and waived the right to counsel and the appearance of the issuing officer. Eric Monk appeared as the representative for the petitioner, the Fire Department of New York.

The summons alleges illegal use of cooking appliances for commercial cooking operations without plans submitted to FDNY tech management, acceptance test arranged and approval.

The respondent is charged with 3 RCNY 109-02 (VC 11): Failure to maintain devices, equipment,

systems, facilities or premises, or part thereof, in good working order (except as otherwise provided in Violation Categories 6 and 7), in clean condition, or in compliance with other general maintenance or housekeeping requirements.

Petitioner's representative rested on the allegations and had nothing to add to the summons. He sought evidence of compliance.

Respondent's representative stated that her client has the required documents to show that they updated and gained compliance. She requested mitigation of the penalties. She submitted evidence.

Petitioner's representative noted that the correction made was sufficient and respondent did remedy the violation with the Fire Department. However, it was approved after the first hearing date. He recommended the standard penalty as a first offense.

While credited, respondent's representative's statements do not provide a meritorious defense. I credit the inspector's factual allegations and find that as of the date of occurrence, respondent had failed to maintain the cooking appliances for commercial cooking operations in compliance with general maintenance requirements. While it is credited that correction was made, it was after the first hearing date, and so mitigation of the fine is not available. Accordingly, the summons is sustained and the statutory First Violation Penalty of \$750 is due.

<i>Grace Chen</i>	02/25/2025
Grace Chen, Hearing Officer	Date