



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 012157551P et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- BEDFORD ASSOCIATES Hearing Date: 01/14/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$375.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
012157551P	Sustained	10/23/2024	3619 BEDOFRD AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF35	VC12 .	Sustained	\$375.00

Findings of Fact & Conclusions of Law

Petitioner, the FDNY, appeared by its authorized representative, Russell Walker. Respondent appeared by its attorney, Matthew Whitening, Esq. Both parties appeared by telephone.

Mr. Walker stated that the Petitioner was resting on the Summons.

Mr. Whitening stated that the Respondent was entering a general denial but seeking mitigation. He submitted a letter of correction dated 12/16/24 (Resp. Ex. A).

Mr. Walker did not object to the evidence and suggested that mitigation was appropriate.

I credit the Summons. I find that the Respondent did not raise a valid defense. I credit Respondent's evidence and find that mitigation is applicable as correction occurred before the first scheduled hearing date of 12/17/24. Accordingly, the Summons is sustained and the mitigated penalty is imposed.

Joseph Diperna

01/23/2025

01/23/2025

Joseph Diperna, Hearing Officer

Date