



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: 0803484606 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- ANDREW FERNANDEZ Hearing Date: 06/25/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803484606	Dismissed	05/13/2025	3077 Hull Avenue Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3K	NYCHC 3.05	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Caroline Kane, Esq. Petitioner appeared by Sarah Webster.

The Summons alleges a violation of HC 3.05 failure to comply with Health Department Commissioner's Order, in that, on 5/13/2025 at 8:26am at 3077 Hull Avenue, Property Owner or Managing Agent failed to comply with Health Commissioner's Order to submit a Pest Management Plan and an Affidavit of Correction for Pest Infestation by 5/12/2025 per Case ID 8483337.

HC 3.05 provides no person shall violate an Order of the Board, Commissioner or Department.

Petitioner submitted an email of 18 pages consisting of the HPD Registration showing Respondent as the named Managing Agent, the Order of the Commissioner and supplemental documentationn, the Individual Summons naming Respondent and the Affidavit of Service.

Respondent moved to dismiss the Summons for wrongly named Respondent.. Respondent submitted an email with 2 attachments, the first Deed 1 shows Respondent's company called 3077 Hull Avenue LLC took title 1/24/2022. The second Deed submitted shows a sale to 3077 Hull LLC on 2/6/2025 prior to the issuance of the Summons.

Respondent has no connection with the owner as of 2/6/2025.

Petitioner responded that it was not on notice of the transfer since the HPd registration information had not been updated to show the new Owner as of 2/6/2025.

The Deed would determine whether Respondent was correctly named.

I dismiss the Summons.

Deborah Schwartz

07/02/2025

07/02/2025

Deborah Schwartz, Hearing Officer

Date