



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: 24T04576 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- MOE ONE STOP SHOP INC. Hearing Date: 06/06/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$32,900.00	Restitution: \$0.00
Suspension/Revocation/Sealing: License revocation	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
24T04576	Sustained	10/17/2024	1275 SAINT NICHOLAS AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCUR- RENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	NYC Admin Code § 17-706(a)	3	1	Sustained	\$2,000.00	License revocation
3	NA	NYC Admin Code § 20-202(a)(1)	2	1	Sustained	\$26,900.00	
4	NA	NYC Admin Code § 17-715(a)	2	1	Sustained	\$2,000.00	
5	NA	24 RCNY § 13-03(b)	3	1	Sustained	\$2,000.00	

Findings of Fact & Conclusions of Law

Frank Tamberino, Esq. appeared on behalf of Respondent Moe One Stop Shop Inc. Inspector John Tan appeared on behalf of Petitioner Department of Consumer and Worker Protection. Respondent's Counsel requested an adjournment as he was not ready to proceed. Petitioner objected as the last adjournment had been marked final as to Respondent. The hearing was conducted via CourtCall.

On October 17, 2024, Respondent was charged with violations of § 17-706(a), § 20-202(a)(1), § 17-715(a) of the Administrative Code of the City of New York, a violation of NY Pub Health § 1399-cc(2), and a violation of 24 RCNY § 13-03(b) in Respondent's store located at 1275 Saint Nicholas Avenue in Manhattan. The summons charged Respondent with 1 count for each section violated and indicated Respondent was a recidivist based upon prior summons No. 23T07848 and summons No. 24T03649 issued on November 28, 2023 and July 10, 2024 respectively.

The issuing officer (IO) affirmed observing the following: Undercover DCWP Inspector M Hossain observed male employee behind the counter sell a single backwoods sweet aromatic cigar for \$2.00 to undercover DCWP Youth A.R. 2005. No identification was requested and no age asked at the time of inspection. Tobacco product was retrieved from behind the counter. Tobacco products were hidden inside of a black wooden cabinet. Multiple hookah tobacco (Al Fakher-mint) were displayed on the display shelves behind the counter. A DCWP tobacco retail dealer license check revealed no active license at location. Unlicensed activity is presumed.

During the hearing, Petitioner's representative submitted forms and photographs taken by Undercover DCWP Inspector M Hossain: certification of the undercover Youth identified as A.R. and born in 2005, employee selling the cited product and inspector's hands, the interior of Respondent's store, the cited product with cash, the employee behind the counter, display shelves showing multiple hookah tobacco products, and documents supporting Respondent's recidivist status. Respondent's Counsel contested the charges indicating only the inspector was holding the cited product and none of the photographs showed the employee holding it nor was there any advertising for this product. Counsel stated none of the photographs directly showed the unlicensed activity nor a black wooden cabinet. Counsel further stated none of the photographs depicted exchange of money between the employee and the agent.

I credit the IO's submissions to establish a prima facie case. Respondent failed to refute the charges or establish a defense. Pursuant to Section 1-19 of Title 6 of the Rules of the City of New York, Respondent will be presumed to have engaged in unlicensed activity every day from the start date of unlicensed activity, in this case 10/01/2024, through the hearing date of June 6, 2025, namely, 249 days of unlicensed activity. The penalty for unlicensed activity is \$100 per violation per day, resulting in \$24,900. Accordingly, the summons is sustained and a \$2,000 penalty imposed for a repeat violation of AC § 17-706(a) plus revocation, a penalty of \$1,500 imposed for a violation of NY Pub Health § 1399-cc(2) plus 2 points on NYS Registration, a penalty of \$26,900 imposed for a repeat violation of AC § 20-202(a)(1) which includes the unlicensed activity daily penalty, a penalty of \$2,000 imposed for a repeat violation of AC § 17-715(a), and a penalty of \$2,000 imposed for a repeat violation of 24 RCNY § 13-03(b), for a total penalty of \$34,400.



July 31, 2025

07/31/2025

Evelyn Raez, Hearing Officer

Date



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET 1st Floor Brooklyn, NY 11217	Summons No: 000917307R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- SPRINTER VAN LINES INC Hearing Date: 08/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000917307R	Sustained	07/24/2024	On W. 17th Street between 8th Ave and 7th Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Respondent SPRINTER VAN LINES INC. appeared at a remote telephonic hearing on 8/7/2025 by its authorized representative Mr. Joshua Santis of the Nacmias Law Firm.

There was no appearance by Petitioner NYC Dept. of Environmental Protection.

Respondent is charged with a first violation of NYC Adm. Code 24-163 for allegedly causing or permitting the engine of the vehicle cited in the Summons to idle for more than 3 minutes while parked, standing, or stopped.