



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

MABEL OGHOJA FOR - NACMIAS LAW FIRM PPLC 592 PACIFIC St Bkln, NY 11217	Summons# : 0803142919 et al. (3 summonses) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- ARK 757 INC Hearing Date : 5/15/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 600.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803142919	Sustained	08/03/2024	1607 QUENTIN RD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AH3R	NYCHC 151.02(B)	Sustained	300.00

Total Penalty for Summons: 300.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803142928	Sustained	08/03/2024	1607 QUENTIN RD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AH3P	NYCHC 151.02(A)	Sustained	300.00

Total Penalty for Summons: 300.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803142937	Dismissed	08/03/2024	1607 QUENTIN RD, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AH3N	NYCHC 151.02(A)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Authorized representative Mabel Oghojafor appeared at the hearing by phone for Respondent.

As to 803142919: Respondent was charged with violation of NYC HC 151.02(b) for unsanitary garbage conditions. Ms. Oghojafor testified that the client stated that there is a meat market next door that put their garbage in front of the cited premises. She stated that Respondent has monthly exterminating services, submitting photos and invoices for June, July and August 2024 in support.

I credit the summons as written. I do not credit the Ms. Oghojafor's testimony and Respondent's evidence. While Respondent's representative made claims about Respondent's cleaning efforts and contract for extermination services, the assertions lacked detail about the violating conditions at the time of occurrence. The use of an exterminating service is not a defense where ineffective waste management is observed to exist at the premises. Additionally, it does not appear that the meat market is located next to the cited premises as alleged as the submitted photos of the building do not show the meat market but rather what appears to be a deli. Even if the meat market was indeed located next to the cited premises, it would not establish a defense to the charge as the summons alleges accumulated and scattered litter at the front left of premises. This area appears to be a gated area where the garbage cans are stored in Respondent's photos.

Accordingly, I find Respondent in violation and impose the minimum penalty of \$300.00.

As to 803142937: Respondent was charged with violation of NYCHC 151.02(a) for active rat signs. Ms. Oghojafor testified that Respondent has monthly exterminating services, submitting photos and invoices for June, July and August 2024 in support.

I credit Ms. Oghojafor's testimony and documentary evidence and find that there was established a pest treatment plan prior to the issuance of the summons.

Accordingly, the summons is dismissed.

As to 803142928: Respondent was charged with violation of NYC HC 151.01(a) for harborage conditions. Ms. Oghojafor testified that Respondent has monthly exterminating services, submitting photos and invoices for June, July and August 2024 in support.

I credit the summons as written. While I acknowledge Respondent's monthly pest treatment, the cited harborage conditions negated any preventive effect of the monthly exterminating services. The amount of cited debris shows that Respondent's actions were insufficient to prevent and control pests.

Accordingly, I find Respondent in violation and impose the minimum penalty of \$300.00.

	06/12/2025
Daniella Caputo, Hearing Officer	Date

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE
COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION
DATE OR 35 DAYS IF MAILED.**

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO
COMMUNITY
SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF
COMMUNITY
SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/Pro Se Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service.

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

**NON-DISCLOSURE
FOR SUMMONSES
ELIGIBLE FOR
COMMUNITY
SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE
WITH THE DECISION,
YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY
ENFORCEMENT
AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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