



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                          |                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street<br>1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 03893-24F1 et al. (1 Summons)</b><br><br><b>DEPARTMENT OF HEALTH &amp; MENTAL<br/>HYGIENE,</b><br><br><b>-against-</b><br><br><b>570 UNITED INC</b><br><br><b>Hearing Date: 05/09/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Total Penalty Amount: \$1,550.00**

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 03893-24F1       | Sustained                  | 01/02/2025                | 570 8 AVENUE Manhattan     |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>VIOL<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>CONDITION<br/>(SEVERITY)</b> | <b>RESULT</b>                       | <b>PENALTY</b> |
|----------------------|----------------------|----------------------|------------------------------|---------------------------------|-------------------------------------|----------------|
| 1                    | NA                   | 02B                  | NYCHC 81.09(a)               | 1                               | Sustained                           | \$250.00       |
| 2a                   | NA                   | 02G                  | NYCHC 81.09(a)               | 2                               | Sustained                           | \$300.00       |
| 2b                   | NA                   | 02G                  | NYCHC 81.09(a)               | 2                               | Sustained / Bundled with<br>Line 2a | \$0.00         |
| 3                    | NA                   | 04L                  | NYCHC 81.23(a)               | 4                               | Sustained                           | \$300.00       |
| 4                    | NA                   | 06C                  | NYCHC 81.07(i)               | 1                               | Sustained                           | \$200.00       |
| 5                    | NA                   | 06E                  | NYCHC 81.07(h)               | 1                               | Sustained                           | \$200.00       |
| 6                    | NA                   | 08A                  | NYCHC 81.23(a)               | 3                               | Sustained                           | \$200.00       |
| 7                    | NA                   | 10B                  | NYCHC 81.20(b)               | 1                               | Sustained                           | \$100.00       |

## Findings of Fact & Conclusions of Law

Respondent appeared by M. Nacmias. Petitioner did not appear. Petitioner charges Respondent with violations of NYC HC 81. For line items 1, 2a and 2b Mr. Nacmias denied the violations but offered no rebuttal.

For line item 3, Mr. Nacmias explained that Respondent has an exterminator that visits the property regularly to prevent pests. I credit his claim but do not find it constitutes a defense to the violation.

For line item 4, Mr. Nacmias stated the summons failed to state a prima facie case. I find the violating conditions noted, a handwash sink unprotected under a waste pipe, describes a violation NYC HC 81.07(i). I find the summons states a prima facie case.

For line item 5, Mr. Nacmias argued that Respondent was not in violation because workers all wore gloves. I credit his claim but do not find it constitutes a defense to the violation.

For line item 6, Mr. Nacmias explained that Respondent has an exterminator that visits the property regularly to prevent pests. I credit his claim but do not find it constitutes a defense to the violation.

For line item 7, Mr. Nacmias argued that there explained that there was no contamination from the cited conditions, but the cited section of law specifically covers condensation, which was described there. I credit the Inspector's observations.

No further valid defense or evidence was presented. I credit the allegations in the summons and find Respondent was in violation on the cited date for all line items. I uphold the violations and impose the standard penalty for each.



May 23, 2025

5/23/2025

Kristina Ross, Hearing Officer

Date