



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 011633430R et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- DA GIANNIS REST INC Hearing Date: 09/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,200.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
011633430R	Sustained	11/08/2017	78-07 ROOSEVELT AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF01	VC01 .	Sustained	\$600.00
2	BF11	VC11 .	Sustained	\$0.00
3	BF19	VC19 .	Sustained	\$600.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on September 10, 2025. Petitioner was represented by Inspector Eric Monk. Respondent was represented by Michael Sargo, Esq.

The summons charged violations of 3 RCNY 109-02 in Violation Category 1 (failure to test portable fire extinguisher), VC 11 (failure to complete 3 month cleaning of exhaust system) and VC 19 (failure to produce an affidavit for test of fire extinguishing system cylinder).

Respondent asserted the summons had been taken out default after approximately seven years. Respondent noted the handwritten summons contained a stamp notation reading "Cure" placed on the portion of the first page indicating the VC 11 violation. The copy of the summons filed with OATH included a partial cure certification indicating that a cure was issued for VC 11. Petitioner confirmed the partial cure, and recommended a \$0 penalty for that charge. Respondent offered no evidence relating to VC 1 and VC 19.

I credit the summons. The summons is sustained. The standard penalties are imposed for VC 1 and VC 19, and a \$0 penalty is imposed for VC 11.

	
09/10/2025	09/10/2025
Donald Lash, Hearing Officer	Date