



Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 24T02198 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- 149 GROCERY CORP. Hearing Date: 03/03/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:	Restitution:
Suspension/Revocation/Sealing:	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
24T02198	Recommended	03/28/2024	149 EAST 103 STREET Manhattan

This is a recommended decision and order. You will receive DCA's final decision on these New York State charges within the next 90 days. DCA may affirm, reverse or modify this decision or it may send the case back to OATH for an additional hearing.

YOU HAVE A RIGHT TO SUBMIT A WRITTEN ARGUMENT WHY DCA SHOULD OR SHOULD NOT FOLLOW THIS RECOMMENDED DECISION. You must submit your argument to DCA within thirty (30) days of the date of this recommended decision. You may submit your argument by email, regular mail or in person.

BY EMAIL: Send your written arguments to decisionreview@dca.nyc.gov. Make sure to include the Notice of Hearing number in the subject line of your email.

BY MAIL OR IN PERSON: Send or bring your written arguments to 42 Broadway, 8th Floor, Decision Review, New York, NY 10004. Make sure to include the Notice of Hearing number.

[illegible]

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCURRENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	NY Pub Health § 1399-GG(2)(C)	1	1	Recommended / Sustained		

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on March 3, 2025.

Respondent 149 Grocery Corp was represented by Michael Sargo, Esq.

Inspector Jasmina Marku, Badge 755, appeared on behalf of petitioner DCWP.

The summons charges:

Line Item 1: NY Pub Health § 1399-GG(2)(C) - Occurrence: 1 Charge Count: 1

OFFERING FOR SALE ANY PACKAGE OR OTHER CONTAINER WITH FEWER THAN 20 SHEETS OF CIGARETTE WRAPPING PAPERS, WRAPPING LEAVES, OR TUBES THAT CAN BE USED TO WRAP TOBACCO FOR SMOKING

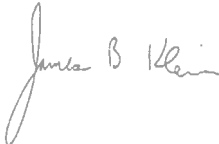
Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector.

Respondent testified that they deny with no rebuttal.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent. I also find that the respondent has not established a valid defense.

Line Item 1 is sustained.

The penalty for each count for a first violation of the cited violation is \$1,500. There is only one count charged. Accordingly, the penalty recommended for Line Item 1 is \$1,500.

 March 03, 2025 03/03/2025	
James Klein, Hearing Officer	Date