



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: 24M01995 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- 1631 CANDY & CONVENIENCE VARIETIES CORP. Hearing Date: 01/27/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$48,900.00	Restitution: \$0.00
Suspension/Revocation/Sealing: License suspension (90 days)	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
24M01995	Sustained	06/29/2024	1631 LEXINGTON AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCUR- RENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	NYC Admin Code § 20-561(a)(1)	3	1	Sustained	\$2,900.00	
2	NA	NYC Admin Code § 17-706(c)	2	1	Sustained	\$500.00	
3	NA	NYC Admin Code § 17-715(b)	3	9	Sustained	\$45,000.00	License suspension (90 days)
4	NA	NY Pub Health § 1399-dd-1	1	1	Sustained	\$500.00	

Findings of Fact & Conclusions of Law

Respondent, 1631 CANDY & CONVENIENCE VARIETIES CORP., appeared via telephone in response to the above issued summons. Respondent was represented by attorney, Michael Sargo, Esq. Petitioner, Department of Consumer and Worker Protection, was represented by Alexander Bandy. Respondent is charged with a violation of NYC Admin Code § 20-561(a)(1), NYC Admin Code § 17-706(c), NYC Admin Code § 17-715(b), and NY Pub Health § 1399-dd-1.

Mr. Bandy submitted an evidence packet in support of the summons consisting of photos of the products and proof of the prior violations issued to Respondent.

Mr. Sargo testified that Respondent stopped selling the items on the date of the violation and asked that to stem the daily penalties to the date of the violation.

NYC Admin Code § 17-715(b)

I credit the issuing officer's statement and find that Petitioner proved this violation by a preponderance of the evidence. Corrective action is not a defense to the charge.

Accordingly, this charge is sustained as a third offence. Additionally, I suspend Respondent's license for 90 days beginning 10 days from the date of this decision.

NYC Admin Code § 17-706(c)

I credit the issuing officer's statement and find that Petitioner proved this violation by a preponderance of the evidence. Corrective action is not a defense to the charge.

Accordingly, this charge is sustained as a second offense.

NY Pub Health § 1399-dd-1

I credit the issuing officer's statement and find that Petitioner proved this violation by a preponderance of the evidence. Corrective action is not a defense to the charge.

Accordingly, this charge is sustained.

NYC Admin Code § 20-561(a)(1)

I credit the issuing officer's statement and find that Petitioner proved this violation by a preponderance of the evidence. Corrective action is not a defense to the charge. I do, however, credit Mr. Sargo's testimony that Respondent stopped selling the prohibited items on the date of the violation and find that Respondent engaged in unlicensed activity for twenty-nine (29) days.

Accordingly, this charge is sustained as a sixth offence and Respondent is ordered to pay daily penalties for a total of 29 days.



January 31, 2025

01/31/2025

Trishawn Raffington, Hearing Officer

Date