



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. Nacmias Law Firm, PLLC 592 Pacific Street BROOKLYN, NY 11217	Summons No: 25T00102 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- BEDFORD FLAMING GRILL INC Hearing Date: 06/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$44,000.00	Restitution: \$0.00
Suspension/Revocation/Sealing:	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
25T00102	Sustained	01/13/2025	2423 AVENUE U Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCUR- RENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	NYC Admin Code § 17-706(a-1)	1	1	Sustained	\$1,000.00	
3	NA	NYC Admin Code § 17-715(b)	1	1	Sustained	\$1,000.00	
5	NA	NYC Admin Code § 20-561(a)(1)	1	1	Sustained	\$42,000.00	

Findings of Fact & Conclusions of Law

The respondent was represented by Frank Tamberino, Esq. The petitioner was represented by Insp. Munihim Iddriss. The summons alleges the unlicensed sale of electronic cigarette products to an individual under the age of 21. The petitioner notes that the start date of the violation is April 30, 2024, the date of a prior finding of violation for the same type of offense.

The respondent does not deny the charged violations but seeks to limit the penalty to be assessed for the time of the alleged unlicensed activity. The respondent's attorney has presented an affidavit from an officer of the corporation wherein he indicates that the unlicensed activity ended in February of 2025. However, no specific date is noted in the affidavit. He has also submitted photographs dated June 24, 2025, to support the statement in the affidavit. It was noted that the affidavit was not signed and notarized until June 26, 2025. The respondent requests that the period of the unlicensed activity end on February 28, 2025, while the petitioner requests that it end on June 24, 2025, the date noted on the supporting photographs.

As the respondent has admitted to the charged violations, the summons is sustained. I do not find that the respondent has presented sufficient credible evidence to establish an earlier end date for the violation. As such, agree with the petitioner regarding the end date of the unlicensed activity and the daily penalty will be assessed to start on April 30, 2024, the date of a prior finding of violation, and end as of June 24, 2025, a period of 420 days.



July 03, 2025

07/03/2025

Patricia Cardoso, Hearing Officer

Date