



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: 014103379L et al. (1 Summons) NEW YORK CITY FIRE DEPARTMENT, -against- MLM CUISINE Hearing Date: 03/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$1,450.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014103379L	Sustained	02/05/2024	123 East 54 Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF05	VC5 .	Sustained	\$700.00
2	BF27	VC27 .	Sustained	\$750.00

Findings of Fact & Conclusions of Law

CHARGES

Summons #014103379L charges Respondent with the following violation(s) of the FDNY Fire Code 3 RCNY §109-02 based on an inspection that took place on February 5, 2024 at 12:34pm, at 123 East 54 Street, Manhattan, NY:

VC5—"Recordkeeping...."

VC27—"Electrical Lighting Hazards...."

Attorney Matthew Whitening appeared at a remote hearing that took place at a hearing on March 12, 2025 as an authorized Representative of Respondent. Russell Walker appeared at the hearing on behalf of Petitioner.

RELEVANT LAW

3 RCNY §109-02 states in pertinent part:

"Violation Category 5: Recordkeeping Failure to maintain and/or produce required recordkeeping, including records of inspections, tests, servicing, fire watch, emergency preparedness drills and other operations and maintenance..."

"Violation Category 27: Electrical Lighting Hazards. Failure to provide and/or maintain required lighting devices or equipment and/or protection therefor..."

TESTIMONY

Mr. Walker rested on the summons.

Mr. Whitening denied both violations without rebuttal and testified submitted proof or correction for both violations into evidence (Respondent's A).

Mr. Walker recommended the standard penalties on both as, for the VC5, there is no record from the exhaust system (no picture of the decal of the hood), and, for the VC27, the undated photographs of a single light do not establish that all the lights are now working or when they were fixed.

DECISION

The summons is sustained.

I credit the detailed sworn allegations of the issuing officer as set forth in the summons and find that Respondent's Representative has presented no evidence or testimony to rebut or to establish a valid defense.

Therefore, I find that at the time of inspection Respondent was in violation of FDNY Fire Code 3 RCNY §109-02, VC5 and VC 27, the minimum penalties for which on a first offense are \$700 and \$750 respectively. Although the penalties are mitigatable, I find that no evidence of timely correction was submitted.

Accordingly, the summons is sustained.



03/20/2025

03/20/2025

Sharah Thomas, Hearing Officer

Date