



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: 07819-24F0 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- LADY WORTLEY LLC Hearing Date: 05/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,100.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
07819-24F0	Sustained	07/01/2024	148 MONTAGUE STREET Brooklyn

LINE ITEM	OATH CODE	VIOL CODE	CODE SECTION/RULE	CONDITION (SEVERITY)	RESULT	PENALTY
1a	NA	02B	NYCHC 81.09(a)	3	Sustained	\$350.00
1b	NA	02B	NYCHC 81.09(a)	3	Sustained / Bundled with Line 1a	\$0.00
2a	NA	02G	NYCHC 81.09(a)	4	Sustained	\$400.00
2b	NA	02G	NYCHC 81.09(a)	4	Sustained / Bundled with Line 2a	\$0.00
3	NA	04N	NYCHC 81.23(a)	5	Sustained	\$350.00
4	NA	06C	NYCHC 81.07(i)	1	Sustained	\$200.00
5	NA	06E	NYCHC 81.07(h)	2	Sustained	\$200.00
6a	NA	08A	NYCHC 81.23(a)	4	Sustained	\$200.00

6b	NA	08A	NYCHC 81.23(a)	4	Sustained / Bundled with Line 6a	\$0.00
7	NA	08B	NYCHC 81.24(a)	1	Sustained	\$100.00
8	NA	10F	NYCHC 81.17(e)(3)	1	Sustained	\$100.00
9	NA	20-04	24 RCNY 18-02	N	Sustained	\$200.00

Findings of Fact & Conclusions of Law

Respondent appeared by M. Nacmias. Petitioner did not appear. Petitioner charges Respondent with violations of NYC HC 81. For line items 2a, 2b, 5, 8 and 9, Mr. Nacmias denied the violations but offered no rebuttal.

For line item 1a and 1b, Mr. Nacmias explained that the items were being prepared and that was the only reason for them being out of temperature. I credit the Inspector's observations of the violating conditions.

For line item 3, Mr. Nacmias explained that Respondent has an exterminator that visits the property regularly to prevent pests. I credit his claim but do not find it constitutes a defense to the violation. He also argued that the total condition number should be reduced. I disagree. The violation cites 108 live flies observed. I do not find a basis for reduction.

For line item 4, Mr. Nacmias claimed the cited waste pipes were not in use. I do not find this constitutes a defense to the violation. I credit the Inspector's observations of the violating conditions.

For line item 6a and 6b, Mr. Nacmias argued that the violations were duplicative. I disagree and find separate violating conditions are noted in each. I credit the Inspector's observations of the violating conditions.

For line item 7, Mr. Nacmias argued that the summons was issued during a busy time, and that the line item should therefore be dismissed. The four open garbage receptacles were noted in the service area and the dishwashing area, and I do not find his claim constitutes a defense to the violation. Also, I credit the Inspector's observations of the violating conditions.

No further valid defense or evidence was presented. I credit the allegations in the summons and find Respondent was in violation on the cited date for all line items. I uphold the violations and impose the standard penalty for each.



May 23, 2025

5/23/2025

Kristina Ross, Hearing Officer

Date