



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: 0218089832 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- QAHWAH HOUSE Hearing Date: 07/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0218089832	Dismissed	03/31/2025	8602 4TH AVE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADS4	34RCNY 5-02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

FRANK TAMBERINO, Esq. appeared via CourtCall.

DOT did not appear after I sent three emails to please join within 30 minutes.

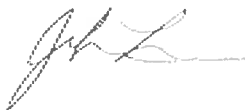
Respondent stated this is the wrong named respondent.

Respondent submitted into evidence an ACRIS history showing this property is deeded to Gramercy Arms LLC, Google image showing this property in 2019 with a prior tenant with a sidewalk café as well and prior OATH decision dated 4-24-2025

dismissing the summons for same reason.

The business/café is owned by Qahwah House, tenant since 2021. Mocha Café, a prior café, had been a sidewalk café from 2019 to 2021.

I credit Respondent's testimony evidence that respondent's tenancy commenced in 2021 and that the sidewalk café was present prior to 2021. I find that the sidewalk café pre-existed the tenancy of Respondent at the property and the summons is, thereby, dismissed.



07/23/2025

07/23/2025

Jihee Lee, Hearing Officer

Date