



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0219501242 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- QAHWAH HOUSE Hearing Date: 06/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0219501242	Sustained	03/06/2025	8602 4th Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADS3	34RCNY 5-02(A)	Sustained	\$500.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Caroline Kane, Esq. Petitioner appeared by Michelle Heard.

The Summons alleges a violation of 34 RCNY 5-02(a) operation of a sidewalk cafe without a License and Revocable Consent, in that, on 3/6/2025 at 1pm at 8602 4th Avenue, the Issuing Officer observed Respondent operating a sidewalk cafe without a license or revocable consent. There was no application on file with DOT as of the final registration date of 8/3/2024.

34 RCNY 5-02(a) provides any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon a street may establish and operate a sidewalk cafe must be granted a license and revocable consent.

Petitioner submitted an email of 5 pages including the Summons, Affidavit of Service and 3 photos showing an enclosed sidewalk cafe.

Respondent moved to dismiss the Summons.

The named Respondent is the current tenant. The Summons should have named the owner.

Respondent submitted an email with 3 attachments: a Deed dated 2007 showing that the Owner is Gramercy Arms, ACRIS showing Gramercy Arms still owns the property and a Google screenshot from 7/2014 showing that the outdoor cafe was operated in the name of Mocha Cafe.

Respondent did not claim that the named Respondent was not currently operating the dining shed.

The Summons can name the party operating the sidewalk cafe under this section of Law.

I sustain the Summons.

Deborah Schwartz

06/17/2025

06/17/2025

Deborah Schwartz, Hearing Officer

Date