



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 08419-25F0 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- TBCP CORP. Hearing Date: 10/21/2025 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: **\$650.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
08419-25F0	Sustained	07/03/2025	2339 ASTORIA BLVD Queens

LINE ITEM	OATH CODE	VIOL CODE	CODE SECTION/RULE	CONDITION (SEVERITY)	RESULT	PENALTY
1	NA	02B	NYCHC 81.09(a)	1	Sustained	\$250.00
2	NA	04L	NYCHC 81.23(a)	2	Sustained	\$200.00
3	NA	06A	NYCHC 81.13(b)	1	Sustained	\$0.00
4	NA	08A	NYCHC 81.23(a)	3	Sustained	\$200.00

Findings of Fact & Conclusions of Law

This summons was issued as a result of an inspection conducted on 7-3-25 at 12:29pm. Michael Nacmias, attorney for Israel, appeared by online submission.

LINE ITEM 1

This charges Time/Temperature Control for Safety hot food not held at or above 140 °F (60 °C), except during necessary preparation, in that one pie of baked oxtail pizza registered at 109 °F in an uncovered metal tray on glass case in front prep/service area. Said food was baked and placed directly at observed location 25 minutes prior to testing as per Luis E. Trujillo's statement. Time as a Public Health Control was not observed being used with said food. Mr. Nacmias said that "instituted pizza time logs to ensure hot foods are either held above 140°F or tracked under Time as a Public Health Control (TPHC). Food was reheated to 165°F within two hours and held properly thereafter."

I credit the charge and find that it makes out a violation of the cited code section. Respondent's assertion that it corrected, even if true, is not a defense. Accordingly, I sustain this Line Item.

LINE ITEM 2

This charges mouse activity present in that 24 fresh mice excreta were observed in following areas in basement: 18 on top of the electrical panels and circuit boxes near trap door, and 6 on table storing old meat slicer. Mr. Nacmias said "contracted licensed pest control who completed thorough treatment and exclusion work. Please see attached. Affected areas were sanitized, and old equipment removed. Standing pest control service is now in place with regular visits and logs."

I credit the charge and find that it makes out a violation of the cited code section. Respondent's assertion that it corrected, even if true, is not a defense. Accordingly, I sustain this Line Item.

LINE ITEM 3

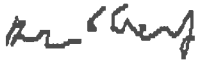
This charges effective hair restraint not worn to keep hair from contaminating food or food contact surfaces in that one employee with short black hair was observed cooking corn on stove in kitchen without a hair restraint. Mr. Nacmias said that "all employees have been issued hair restraints and warned of strict compliance policies."

I credit the charge and find that it makes out a violation of the cited code section. Respondent's assertion that it corrected, even if true, is not a defense. Accordingly, I sustain this Line Item. As a first-time violation, a zero penalty is imposed.

LINE ITEM 4

This charges harborage or conditions conducive to rodents, insects or other pests exist in that waste oils were observed uncovered inside tanks near walk-in refrigerator in basement. Mr. Nacmias said that "waste oil tanks are now fully covered with fitted lids. See attached."

I credit the charge and find that it makes out a violation of the cited code section. Respondent's assertion that it corrected, even if true, is not a defense. Accordingly, I sustain this Line Item.



October 21, 2025

10/21/2025

Deena F. Greenberg, Judicial Hearing Officer

Date