



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 06009-25F0 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- CORE Z OPERATIONS, LLC Hearing Date: 08/15/2025 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: **\$400.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
06009-25F0	Sustained	05/07/2025	141 WEST 54 STREET Manhattan

LINE ITEM	OATH CODE	VIOL CODE	CODE SECTION/RULE	CONDITION (SEVERITY)	RESULT	PENALTY
1	NA	04L	NYCHC 81.23(a)	2	Sustained	\$200.00
2	NA	08A	NYCHC 81.23(a)	3	Sustained	\$200.00
3	NA	10F	NYCHC 81.17(e)(1)	N	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

This summons was issued as a result of an inspection conducted on 5-7-25 at 9:03am. Michael Nacmias, attorney for respondent, appeared by online submission.

LINE ITEM 1

This charges mouse activity present in that 14 fresh mice excreta observed on floor in an electric room on the second floor storage area. Mr. Nacmias moved to dismiss on the basis that "the electric room is a non-food storage space not accessible

to the public or directly connected to food handling. No evidence of contamination in kitchen or service areas. Additionally, Respondent maintains regular pest control services. See attached."

I credit the charge and find that it makes out a violation of the cited code section. I find that the claim that the cited electric room was not accessible to the public or directly connected to food handling, even if true, is not a defense to the charge. The cited code section requires food service establishments to be free from pests. Mr. Nacmias did not say that the electric room was not part of respondent's establishment in that it was closed off from parts that respondent used and that respondent could not go into that room nor did it use it. I therefore find that that room was part of respondent's establishment and therefore respondent was in violation of the cited code section. That respondent maintains regular pest control is not a defense. I therefore sustain this Line Item.

LINE ITEM 2

This charges harborage or conditions conducive to rodents, insects or other pests exist in that a hole approximately 2 inches in diameter was observed on the floor in the electric storage area. Mr. Nacmias moved to dismiss on the basis that "structural gaps cited are part of a known building condition outside the respondent's control and responsibility, as they pertain to the common area of the building. This issue was within the exclusive control of the building landlord."

I credit the charge and find that it makes out a violation of the cited code section. The claim that the cited hole was part of the building and was within the exclusive control of the landlord, even if true, is not a defense. I so find because the cited code section applied to the cited permittee, the respondent food service establishment. There is no exemption in the cited code section for food establishments that do not own the building in which they operate. Accordingly, I sustain this Line Item.

LINE ITEM 3

This charge flooring improperly constructed or maintained in that tiled floor observed with a heavy accumulation of water in the rear kitchen area. Mr. Nacmias moved to dismiss on the basis that the cited "accumulation of water" was temporary and due to a spill that had just occurred during ongoing service or cleaning operations at the time of inspection."

I credit Mr. Nacmias' testimony and find that it makes out a defense to the charge. Accordingly, I dismiss this Line Item.

	
August 15, 2025	8/15/2025
Deena F. Greenberg, Hearing Officer	Date