



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: 06155-25F0 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- COFFEE LAND LLC Hearing Date: 08/17/2025 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: \$1,450.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
06155-25F0	Sustained	05/09/2025	833 FRANKLIN AVENUE Brooklyn

LINE ITEM	OATH CODE	VIOL CODE	CODE SECTION/RULE	CONDITION (SEVERITY)	RESULT	PENALTY
1	NA	02G	NYCHC 81.09(a)(3)	1	Sustained	\$250.00
2	NA	04A	NYCHC 81.15(a)	5	Sustained	\$400.00
3a	NA	06C	NYCHC 81.07(i)	4	Sustained	\$300.00
3b	NA	06C	NYCHC 81.07(i)	4	Sustained / Bundled with Line 3a	\$0.00
3c	NA	06C	NYCHC 81.07(i)	4	Sustained / Bundled with Line 3a	\$0.00
3d	NA	06C	NYCHC 81.07(i)	4	Sustained / Bundled with Line 3a	\$0.00
4	NA	06D	NYCHC 81.27(b)	1	Sustained	\$200.00
5	NA	10D	NYCHC 81.19(c)	1	Sustained	\$200.00

6	NA	10F	NYCHC 81.17(e)(1)	1	Sustained	\$100.00
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Findings of Fact & Conclusions of Law

Respondent, COFFEE LAND LLC. appeared by authorized representative, Michael Nacmias, Esq.

Mr. Nacmias appeared via a remote 1 click hearing.

In the submission, Mr. Nacmias offers no defense to line items 3 and 4

As no defense was offered, I credit the officers allegations and uphold line items 3 and 4

Mr. Nacmias moves to dismiss the below line items:

Line Item 1: NYCHC 81.09(a)(3) Processed fish or processed fish product, approximately 4 pounds of smoked raw salmon in the original packaging registered at 43°F inside the 2-door lowboy refrigerator in the front food prep/service area. Fish has been at said location for 2 days, as per operator's statement. As per food worker Abdullah's statement said food was delivered and placed directly at observed location 2 days prior to inspection. The 2-door lowboy refrigerator was functioning properly and was holding potentially hazardous foods at an ambient temperature of 42°F. Corrective action: Food was rendered inedible and discarded by food worker

Mr. Nacmias argues that the cited temperature (43°F) is only slightly above the 41°F threshold and within an acceptable margin of error for many commercial thermometers. The fish remained sealed in original packaging, reducing contamination risk.

The line item is sustained. I credit the officers allegation and find a prima facie case established. I do not find that respondent has established a legal defense in that food that is 43 degrees Fahrenheit or above is considered to be at a higher temperature than the threshold of 41 degrees Fahrenheit, which may lead to violations under the NYC Health Code.

Line Item 2 NYCHC 81.15(a): Food Protection Certificate not held by manager or supervisor of food operations in that food worker Abdullah Gormis who was supervising food operations at the time of inspection does not hold a Food Protection Certificate. No other supervisor of food operations that was present holds a Food Protection Certificate. Certificate for Food Protection Certificate holder Nuh Ogur (18-10921) was provided however the individual was not present at the beginning of the inspection. Nuh was observed entering the basement 20 minutes after the inspection begun after the food worker notified them. Corrective action: Operator was instructed that at least one person who holds a Food Protection Certificate must be present during all hours of operation.

Mr. Nacmias states that the Certified FPC holder (Nuh Ogur) was on-site and immediately responded. He states that his absence was brief and unintentional. As evidence, Mr. Nacmias includes the schedule demonstrating that a FPC holder was scheduled on site at all times. (Resp 1)

The line item is sustained. I credit the inspectors allegation. I also credit the statement and evidence submitted by Mr. Nacmias. However scheduled and not intended, I find that the FPC holder was not on site at the time and arrived after the inspection started.

Line Item 5: NYCHC 81.19(c) Mechanical or natural ventilation system not provided, improperly installed, in disrepair, or not maintained in that mechanical ventilation in the ceiling was observed with dust strands build-up approximately 1/4 inch thick in the employees'/customers' restroom in the seating area.

Mr. Nacmias states that this is: a minor non-food contact area. Ventilation buildup did not pose direct food safety risk. and submits a photo of updated cleaned vent (Resp 3)