



SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 05456107

ENFORCEMENT AGENCY: Department of Consumer Affairs  
AGENCY ADDRESS AND WEBSITE: 42 Broadway, New York, NY 10004 • nyc.gov/dca

RESPONDENT: Nymdor INC.  
MAILING ADDRESS: 315 South End Ave  
Address Line 1  
Address Line 2 (if necessary)  
New York, NY 10280  
City / State / ZIP Code  
DBA: Gristede's Store  
LICENSE NO.:  
EXPIRATION DATE: M M / D D / Y Y Y Y  
PHONE: 212-233-7797 ☐ Cell

PLACE OF OCCURRENCE:  
☒ Same as Mailing Address  
☐ Intersection  
☐ Landmark  
No. / Direction (NE, SW, etc.) and Street  
Street 2 (Intersection only)  
City / State / ZIP Code  
Borough  
DATE OF OCCURRENCE: 03 / 22 / 2020  
TIME OF INSPECTION: 900 AM to 950 AM  
☐ PM ☐ PM

You must respond to this summons. You can appear at the hearing (date and location below) or choose another option. For other options on how to respond, see the back of this summons.

HEARING DATE: 05 / 05 / 2020 AT: 830 AM / PM

HEARING LOCATION: Office of Administrative Trials and Hearings (OATH)

BOROUGH: ☐ Bronx ☐ Brooklyn ☒ Manhattan ☐ Queens ☐ Staten Island (See reverse side for address.)

PHONE: (844) 628-4692

Refer to the Summons Number above on all communications.

**Warning:** If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit, or registration. The City might also take further legal action against you. See the back for more information.

Record ID No. 4993-2020-CMPL	<input type="checkbox"/> Cross Reference No.	Business Category 819
Type: <input type="checkbox"/> PTL (Patrol) <input type="checkbox"/> PRQ (Mediation) <input type="checkbox"/> RCS (Consumer Services Request) <input type="checkbox"/> REV (License Revoked) <input type="checkbox"/> SUS (License Suspended) <input checked="" type="checkbox"/> Other Price Gouging		
<input type="checkbox"/> Vehicle Seizure Form	No. pages: 2	No. vehicles seized:

Respondent is charged with violating:

Key to Violations

- |  |  |
|--|--|
| A. TITLE 20 of the NYC ADMINISTRATIVE CODE (see columns 1, 2, and 3) | D. TITLE 1 of the NY CODES, RULES, and REGULATIONS (see column 3)    |
| B. TITLE 6 of the RULES OF THE CITY OF NEW YORK (see column 3)       | E. NY GENERAL BUSINESS LAW (see column 3)                            |
| C. NY AGRICULTURE & MARKETS LAW (see column 3)                       | F. TITLE 10 of the NYC ADMINISTRATIVE CODE, CHAPTER 1 (see column 3) |
|  | G. NYC Health Code (see column 3)                                    |
|  | H. Other   |

Start Date of Unlicensed Activity: (if applicable) M M / D D / Y Y Y Y  
☐ Date of inspection ☐ Date of license expiration  
☐ Date of prior decision ☐ Date of license suspension or revocation  
☐ Date of prior settlement ☐ Other:  
☐ Date of contract

**RECIDIVISM:** See all Pages for any recidivist charge(s). A "2nd," "3rd," or "4th" recidivist charge means a second, third, or fourth occurrence of the same or a related violation at the business location. Recidivists are subject to higher penalties, up to and including the maximum penalty. In addition, you may be subject to license suspension or revocation and/or sealing of your business. See Penalties section on back. Also see Title 6 of the Rules of the City of New York, beginning at Section 6-10, for a full schedule of potential penalties, which are available on the DCA website: nyc.gov/DCAPenalties.

A-H	1 CH.	2 SUB CH.	3 SEC.	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
B			5-42(b)(1)		<input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th	Merchant offers for sale goods with an excessive price increase during an	12
					<input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th		

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See additional violation pages, if applicable. If not admitting the charge(s), you MUST APPEAR IN PERSON.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC OATH to hold hearings. For hearing options, see other side of this summons.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Method ☒ I/we affirm under penalty of perjury that on the Date of Occurrence, I/we served a copy of this summons in person on the Respondent by leaving a copy with of a person or employee of suitable age and discretion.

Service: ☐ To be served via United States Postal Service (See Affidavit/Affirmation of Service By Mail.)

Inspector Name (Print) M. Davi Inspector Signature 744 Badge

I received a copy of this summons on behalf of the Respondent.  
Name (Print) Wilson Tweeb Signature Store Manager Position/Relationship to Respondent Date 03 / 22 / 20

HOW TO RESPOND TO THIS CIVIL SUMMONS

The Department of Consumer Affairs (DCA) has charged you with the violation(s) listed on this summons. You must respond to this summons. You may send an authorized representative to respond for you. Free language help will be provided, if needed. **If you do not respond, you may automatically be found responsible, and you may owe larger penalties.** If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit, or registration, or to the suspension, termination, or revocation of a license, permit, or registration issued to you by a City agency. See the bottom of this page to learn more about penalties.

Option 1: DENY the charge(s)

If you deny the charge(s), you can give an explanation for why you think you are not responsible to a hearing officer, who will make a decision. If you are found responsible, you will still need to pay the penalty and may face higher penalties for future charges. To deny:

- Go to the Hearing Center in the borough checked on the first page of this summons at the date and time listed.
- Bring this summons and any evidence you may have that shows you are not responsible for the charge(s).
- Call 1-844-628-4692 if you have a disability and require a reasonable accommodation for the hearing.

Option 2: ADMIT to the charge(s)

You may get an Offer of Settlement in the mail with information on how to settle and/or cure the violation(s). If you settle or cure all the violations in your Summons, you may no longer need to attend your hearing. **If you settle or cure, you are admitting to the violation(s) and may face higher penalties for future charges.** See the first page of this summons for your Hearing Date.

Settle: Admit to the charge(s) and pay a penalty

- If you receive an Offer of Settlement by mail, follow the instructions if you want to settle. The Offer of Settlement will tell you how much you need to pay. **Settlement is only available before your hearing.**
- If you do not receive an Offer of Settlement by mail but still want to settle, **send an email or text to [LegalSettlements@dca.nyc.gov](mailto:LegalSettlements@dca.nyc.gov)** and include your Summons Number. If a settlement is available, an Offer of Settlement will be emailed or texted back to you. **Settlement is only available before your hearing.**

Cure: Admit to the charge(s) without paying a penalty (only for certain first-time charges)

Not all violations are curable. If you receive a violation that is curable, you may be able to correct it without paying a penalty. Follow the steps below.

- If you receive an Offer of Settlement by mail and one or more of your violations are curable, the Offer of Settlement will include information about which violation(s) you can cure. Follow the instructions about how to admit the violation(s) and submit a certification. You can submit the certification by mail, or online. **You must submit the Cure Certification within 30 days of the date the summons is issued and before your hearing. Cures are only available before your hearing.**
- If you do not receive an Offer of Settlement in the mail, you may still be able to cure. **Send an email or a text to [LegalSettlements@dca.nyc.gov](mailto:LegalSettlements@dca.nyc.gov)** and include your Summons Number. If a cure is available, an Offer of Settlement will be emailed or texted back to you.
- Go to [nyc.gov/dca](http://nyc.gov/dca) and type "cure" in the search box for more information about curing a DCA charge.

Unlicensed Activity Charges

If you are charged with unlicensed activity, you must deny the charge(s) or admit the charge(s) as described above. You should also:

1. **Stop the unlicensed activity.**
2. Apply for a license online at [nyc.gov/BusinessToolbox](http://nyc.gov/BusinessToolbox) or in person at the DCA Licensing Center (42 Broadway, Lobby, New York, NY 10004) or the NYC Small Business Support Center (90-27 Sutphin Blvd., 4th Floor, Jamaica, NY 11435).
3. **If your vehicle was seized, be sure to read the back of the Vehicle Seizure Form.**

Penalties

**You have the right to be informed of the maximum penalty.** If no maximum penalty is shown on the first page of this summons, see DCA's penalty schedules in the Rules of the City of New York, Title 6, Chapter 6, Subchapter B, beginning at Section 6-10, available at [nyc.gov/DCAPenalties](http://nyc.gov/DCAPenalties). See below for additional information. Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or rule.

- Except for unlicensed activity (described below), maximum penalties for the violation(s) in this summons may include a fine of as much as \$15,000 for each violation; revocation or suspension of your DCA license; the sealing of your business premises; and/or the removal of your property. Copies of the laws and rules, which include the maximum penalties for specific violations, are available on the DCA website: [nyc.gov/DCAPenalties](http://nyc.gov/DCAPenalties).

**Unlicensed Activity Penalties:** In most cases, the penalty for unlicensed activity is \$100 per violation per day. See the first page of this summons for the "Start Date of Unlicensed Activity" under the "Key to Violations" section, which is the date this penalty would begin. Pursuant to Section 1-19 of Title 6 of the Rules of the City of New York, you will be presumed to have engaged in the unlicensed activity every day from the "Start Date of Unlicensed Activity" through the Hearing Date. Penalties for unlicensed activity could exceed \$15,000.

**Sidewalk Café Penalties:** Your Sidewalk Café license may be suspended or revoked, and your sidewalk café and restaurant sealed for up to 30 days for a third violation of the Sidewalk Café Law or Rules. Your sidewalk café and restaurant may also be sealed for up to 30 days for a second violation for operating an unlicensed sidewalk café.

**Sale of Toy or Imitation Firearms Penalties:** If you are found to have offered to sell or sold a toy or imitation firearm on three (3) or more occasions within a two-year period, the premises where the violations occurred may be sealed for up to five (5) days. See Administrative Code Section 10-131(g) (1) for more details.

DCA encourages business owners to view the **Business Owner's Bill of Rights**, available at [nyc.gov/bizrights](http://nyc.gov/bizrights)

Questions?

أسئلة؟      任何疑問      Kesyon?  
Bonpocby?      ¿Preguntas?  
질문 있으세요?      কোনো প্রশ্ন আছে কি?  
[www.nyc.gov/oath](http://www.nyc.gov/oath)  
844-OATH-NYC (844-628-4692)

OATH Hearing Center Locations

**Manhattan:** 66 John Street, 11th Floor, New York, NY 10038  
**Brooklyn:** 9 Bond Street, 7th Floor, Brooklyn, NY 11201  
**Bronx:** 3030 3rd Avenue, Room 250, Bronx, NY 10455  
**Queens:** 31-00 47th Avenue, 4th Floor, Long Island City, NY 11101  
**Staten Island:** 350 St. Mark's Place, Staten Island, NY 10301



SUMMONS NUMBER: **05456107**

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Key to Violations:

A. TITLE 20 of the NYC ADMINISTRATIVE CODE (see columns 1, 2, and 3)	E. NY GENERAL BUSINESS LAW (see column 3)
B. TITLE 6 of the RULES OF THE CITY OF NEW YORK (see column 3)	F. TITLE 10 of the NYC ADMINISTRATIVE CODE, CHAPTER 1 (see column 3)
C. NY AGRICULTURE & MARKETS LAW (see column 3)	G. NYC Health Code (see column 3)
D. TITLE 1 of the NY CODES, RULES, and REGULATIONS (see column 3)	H. Other

Respondent is charged with violating (continued):

A-H	1 CH.	2 SUB CH.	3 SEC.	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.							
					2nd	imminent threat to public health. I	
					3rd		
					4th		
					2nd	observed different medication being	
					3rd		
					4th		
					2nd	displayed for sale. The medications	
					3rd		
					4th		
					2nd	included: 24 liquicaps Nyquil	
					3rd		
					4th		
					2nd	priced at \$18.99 (Quantity of 5	
					3rd		
					4th		
					2nd	displayed on shelf), Mucinex Fast-	
					3rd		
					4th		
					2nd	Max 20 count priced at \$29.99	
					3rd		
					4th		
					2nd	(Quantity on shelf of 3), and	
					3rd		
					4th		
					2nd	Nyquil 12oz. liquid priced at	
					3rd		
					4th		
					2nd	\$16.59 (Quantity of 4 displayed on	
					3rd		
					4th		
					2nd	shelf),	
					3rd		
					4th		
					2nd		
					3rd		
					4th		
					2nd		
					3rd		
					4th		
					2nd		
					3rd		
					4th		
					2nd		
					3rd		
					4th		

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Warming Berry  
Non-Habit  
Fall Asleep Fast  
Warming Berry  
6 FL OZ (177 ml)  
NIGHTTIME SLEEP  
Diphenhydramine  
Non-Habit

You Pay  
**1.49**  
EP 6LZ  
19759

**POWERFUL Nighttime RELIEF**

**VICKS**

**NyQuil**

**COLD & FLU**

**Nighttime Relief**

*Acetaminophen, Doxylamine Succinate, Dextromethorphan HBr*

- Headache, Fever, Sore Throat, Minor Aches & Pains
- Sneezing, Runny Nose
- Cough

**24 LiquiCaps**

**GROCERY \$18.99**

UNIT PRICE PER 100 CT  
**\$79.13**

**YOU PAY \$18.99**

24 CT  
NYQUIL LIQICAP 24CT  
DSD  
A 1228 3  
1200 - 593125

03-23900-0144

**Midol**  
*complete*

Acetaminophen/Caffeine/Pyrilamine Maleate  
Pain Reliever/Diuretic/Antihistamine

Relieves: Cramps • Bloating • Headache

**24 GELCAPS**

**GROCERY \$9.69**

**Advil**

**SINUS CONGESTION & PAIN**

Ibuprofen 200 mg Pain Reliever/Fever Reducer (NSAID)  
Phenylephrine HCl 10 mg Nasal Decongestant

- ✓ Nasal Congestion
- ✓ Sinus Pressure
- ✓ Nasal Swelling
- ✓ Headache
- ✓ Fever
- ✓ Body Aches

**ONE TABLET DOSE!**

**10 Coated Tablets**

**FROZEN \$12.99**

PRICE  
**4¢/CT**

You Pay  
**\$9.69**

PK 3 24CT  
MENSTRUAL GELCAP  
AL G&M HBA

UNIT PRICE  
**\$1.30/CT**

You Pay  
**\$12.99**

DP 7000  
ADVIL SINUS CGH&PAIN  
WHOLESALE HBA

UNIT PRICE PER 100 CT  
**\$66.66**

NYQUIL S  
DSD  
N 0405 3  
1000 4188







Gristedes





UNIT PRICE PER 100 CT  
**166.50**  
**YOU PAY \$9.99**  
6 CT  
THERAFLU NIGHT TIME  
DSD  
R 0713 3  
1200 644005  
03-00677-91806-7

UNIT PRICE PER 100 CT  
**166.50**  
**YOU PAY \$9.99**  
6 CT  
THERAFLU DAY TIME COUG  
DSD  
R 0713 3  
1200 - 387878  
03-00677-91706-0

**MAXIMUM STRENGTH\***

NDC 63824-237-20

**Mucinex**

**FAST-MAX**

**COLD, FLU  
& SORE THROAT**

**Acetaminophen** – Pain Reliever/Fever Reducer  
Dextromethorphan HBr – Cough Suppressant  
Guaifenesin – Expectorant  
Pseudoephedrine HCl – Nasal Decongestant

- ✓ Relieves Headache, Fever & Sore Throat
- ✓ Controls Cough
- ✓ Relieves Nasal & Chest Congestion
- ✓ Thins & Loosens Mucus

**20 CAPLETS** FOR AGES 12+



GROCERY  
**29.99**

UNIT PRICE  
**\$1.50/CT**  
**YOU PAY \$29.99**  
MUCINEX FST MAX CLD/FL 20CT  
DP 7016 7000PK 3 1/18/2020  
IMPERIAL G&M HBA  
25120 0036382419120 415073



UNIT PRICE PER 100 CT  
**166.50**  
**YOU PAY \$9.99**  
6 CT  
**THERAFLU NIGHT TIME**  
DSD  
R 0713 3  
1200 - 644005  
03-00677-91806-7





UNIT PRICE  
95.8¢/CT  
ZZZQUIL NGHTM SLP LQCP 12CT  
DP 7016 7000PK 3 12/07/05  
IMPERIAL G&M HBA  
25120 0032390003802  
325503

UNISOM SLEEP  
DSD  
R 0713 3  
1200 - 714453  
00-41167-00133-2

Afrin  
NoDrip  
Extra Moisturizing

+TopCare  
health

MiraLAX

GROCERY  
16.59¢  
MULTI-SYMPTOM  
RELIEF  
FAST  
MULTI-SYMPTOM  
RELIEF

WICKS  
Quil  
COLD & FLU  
Nighttime Relief  
Ibuprofen, Doxylamine succinate, Dextromethorphan HBr  
Headache, Fever, Sore Throat,  
Minor Aches & Pains  
Sneezing, Runny Nose  
Cough  
12 FL OZ (354 mL)

Advil  
Hibuprofen

Marlboro  
\$13.99  
\$8.99  
\$4.99  
\$3.99





March 20, 2020

Lorelei Salas  
Commissioner

42 Broadway  
New York, NY 10004

Dial 311  
(212-NEW-YORK)

[nyc.gov/dca](http://nyc.gov/dca)



Re: Case Number: 4993-2020-CMPL - GRISTEDES SUPERMARKET

**Regarding your complaint against GRISTEDES  
SUPERMARKET**

Thank you for contacting the NYC Department of Consumer Affairs (DCA). We have carefully reviewed your complaint against GRISTEDES SUPERMARKET and are investigating further. We will notify you of the results. Please allow up to six weeks.

If you do not hear from us after that time, you can call the Consumer Services Division at +1 212 487-4110.



\*4993-2020-CMPL\*