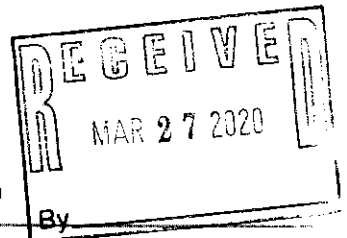


ENTERED BY: JW

MAR 31 2020

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 05437285

ENFORCEMENT AGENCY: Department of Consumer Affairs
AGENCY ADDRESS AND WEBSITE: 42 Broadway, New York, NY 10004 • nyc.gov/dcaRESPONDENT: E Imhurst Pharmacy and Home Infusion CorpMAILING ADDRESS: 81-06 Baxter Avenue

Address Line 1

Queens NY 11373

City / State / ZIP Code

DBA:

LICENSE NO.:

EXPIRATION

DATE:

PHONE:

718 507-2299☐ 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, 27, 2020

TIME OF

INSPECTION:

11:55 ☒ AMto 12:40 ☐ 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: 07, 02, 2020 AT: 9:30 ☒ 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. <u>9450-2020-CPL</u>	<input type="checkbox"/> Cross Reference No.	Business Category <u>810</u>
Type:	<input type="checkbox"/> PTL <input type="checkbox"/> REQ <input type="checkbox"/> CMP <input type="checkbox"/> FTR <input type="checkbox"/> REV <input type="checkbox"/> SUS <input checked="" type="checkbox"/> Other	<u>PG</u>
Attachments:	<input type="checkbox"/> Additional violation pages: No. pages: _____	<input type="checkbox"/> Vehicle Seizure Form No. pages: _____ 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) _____			<input type="checkbox"/> Date of inspection <input type="checkbox"/> Date of prior settlement <input type="checkbox"/> Date of prior decision <input type="checkbox"/> Date of contract				
<input type="checkbox"/> You are being charged as a "recidivist" or repeat violator. See below for 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/dca .							
A-H	1	2	3	OATH	Recidivist	Nature/Description of Violation	Counts
	CH.	SUB	SEC.	Code	Charge		
		CH.					
The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.							
B			5426	(1)	1st 2nd 3rd 4th	Merchant sells or offers for sale goods or services with an excessive price increase during an imminent threat to public health	23
					1st 2nd 3rd 4th		
					1st 2nd 3rd 4th		
					1st 2nd 3rd 4th		

Continued on Page 2

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 of Service: ☒ We affirm under penalty of perjury that on the Date of Occurrence, I served a copy of this summons in person on the Respondent by leaving a copy with:
☐ Respondent or Owner ☐ Manager ☒ Person/employee of suitable age/discretion ☐ Owner/Operator of seized vehicle☐ To be served via United States Postal Service (See Affidavit/Affirmation of Service By Mail.)

Inspector Name (Print)

Inspector Signature

Badge

I received a copy of this summons on behalf of the Respondent

Name (Print)

Signature

Position/Relationship to Respondent

Date

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 charge(s). If you settle or cure by mail, online, or in person, you may no longer need to attend your hearing. If you settle or cure, you are admitting to the charge(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

- Your Offer of Settlement will tell you how much you need to pay. If you would like to settle, follow the instructions in the letter. *You must settle before your hearing.*
- If you do not receive an Offer of Settlement in the mail, you may still be able to settle. Visit DCA’s Settlement Unit at 42 Broadway, 5th Floor, New York, NY 10004 or send an email or a text to **LegalSettlements@dca.nyc.gov** before your hearing to see if settlement is an option.

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

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

- Your Offer of Settlement will include information about which charge(s) you can cure and how to admit the charge(s) and submit a certification that you cured the charge(s) by mail, online, or in person. *You must submit the Cure Certification within 30 days from the date the summons is issued and before your hearing.*
- If you do not receive an Offer of Settlement in the mail, you may still be able to cure. Visit DCA’s Settlement Unit at 42 Broadway, 5th Floor, New York, NY 10004 or send an email or a text to **LegalSettlements@dca.nyc.gov** before your hearing to see if curing is an option.
- Go to **nyc.gov/dca** 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. Go to 42 Broadway, 5th Floor, New York, NY 10004 and meet with a DCA Settlement Officer or send an email or a text to **LegalSettlements@dca.nyc.gov**.
3. Apply for a license online at **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).
4. **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, ask in person at any OATH Hearing Center location below or call 1-844-628-4692. See below for additional information. Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or rule.

- 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/dca**.

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.

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**

Questions?		OATH Hearing Center Locations
أسئلة؟	任何疑问 Kesyon?	Manhattan: 66 John Street, 11th Floor, New York, NY 10038
Вопросы?	¿Preguntas?	Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201
질문 있으세요?	কোনো প্রশ্ন আছে কি?	Bronx: 3030 3rd Avenue, Room 250, Bronx, NY 10455
www.nyc.gov/oath		Queens: 31-00 47th Avenue, 4th Floor, Long Island City, NY 11101
844-OATH-NYC (844-628-4692)		Staten Island: 350 St. Mark’s Place, Staten Island, NY 10301

SUMMONS NUMBER: 05437285

Page 2

Key to Violations

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

Respondent is charged with violating:

Start Date of Unlicensed Activity: <i>(if applicable)</i> ____/____/____	<input type="checkbox"/> Date of inspection <input type="checkbox"/> Date of prior decision	<input type="checkbox"/> Date of prior settlement <input type="checkbox"/> Date of contract
--	--	--

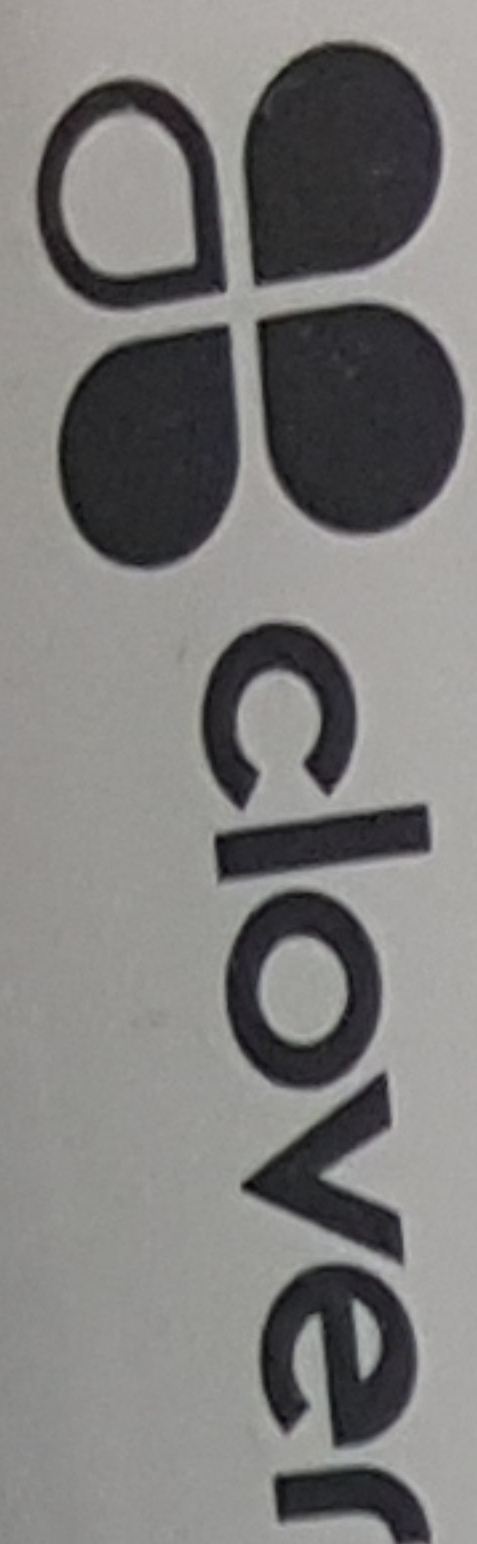
☐ You are being charged as a "recidivist" or repeat violator. See below for recidivist charge(s). A "2nd," "3rd," or "4th" recidivist charge means a second, third, or fourth occurrence of the same or a related violation at the business location. Recidivists are subject to higher penalties, up to and 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 the back of Page 1. 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/dca.

A-H	1	2	3	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
	CH.	SUB CH.	SEC.				

The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.

[illegible]

☐ **continued on Page 3**



- 1 LEADER P/F Exam Gloves #100 \$15.99
- 1 CityMed Gloves X-Large \$20.00
- 1 Isopropyl Rubbing Alcohol 70% \$5.99

Subtotal

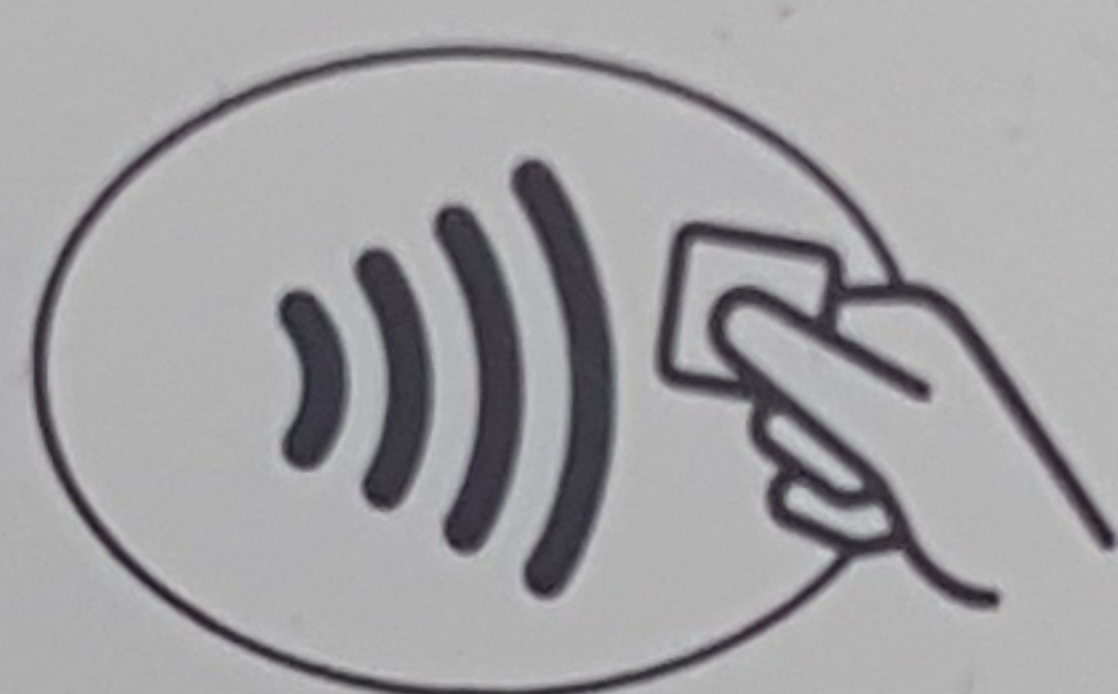
\$41.98

Tax

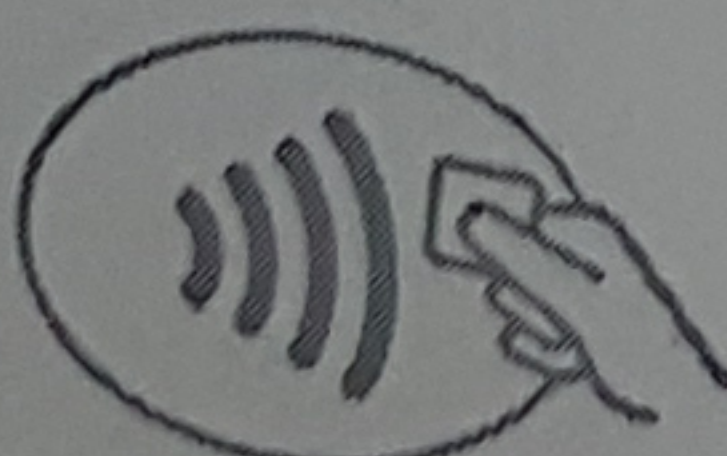
\$0.00

Total

\$41.98



Apple Pay



Google Pay

Samsung pay

DEC-CLVER-8SPOT

clover

VISA



DISCOVER

AMERICAN EXPRESS

STAR

Drug Name
Action
Use
Warnings
Directions
Other Info

The image shows four bottles of McKesson Isopropyl Rubbing Alcohol 70% USP First Aid Antiseptic. The bottles are white plastic with white caps. The labels are white with black text and a blue vertical bar. The labels include the following information:

- McKesson** logo
- Isopropyl Rubbing Alcohol 70%**
- USP | FIRST AID ANTISEPTIC**
- 16 FL OZ (1 PT) 473 mL**
- WARNING: FLAMMABLE**
- MFR # 23-D0022**
- Distributed By McKesson Medical-Surgical Inc.**
- Richmond, VA 23228**
- LU-0791-1112 1-07-D0022R10 Rev. 2**
- Made in USA**

The labels also include sections for **Drug Facts**, **Warnings**, **Directions**, and **Other Information**. The **Drug Facts** section lists the active ingredient as Isopropyl Rubbing Alcohol 70% and provides instructions on how to use the product. The **Warnings** section includes a list of warnings, such as "For external use only" and "Flammable". The **Directions** section provides instructions on how to use the product, such as "Apply to the affected area" and "Do not use on open wounds". The **Other Information** section includes a list of inactive ingredients and a statement that the product is "Made in USA".

POWDER FREE NITRILE
EXAMINATION GLOVES

100
GLOVES
(BY WEIGHT)

CITYMED®

XL

POWDER FREE NITRILE
EXAMINATION GLOVES

100
GLOVES
(BY WEIGHT)

CITYMED®

XL

POWDER FREE NITRILE
EXAMINATION GLOVES

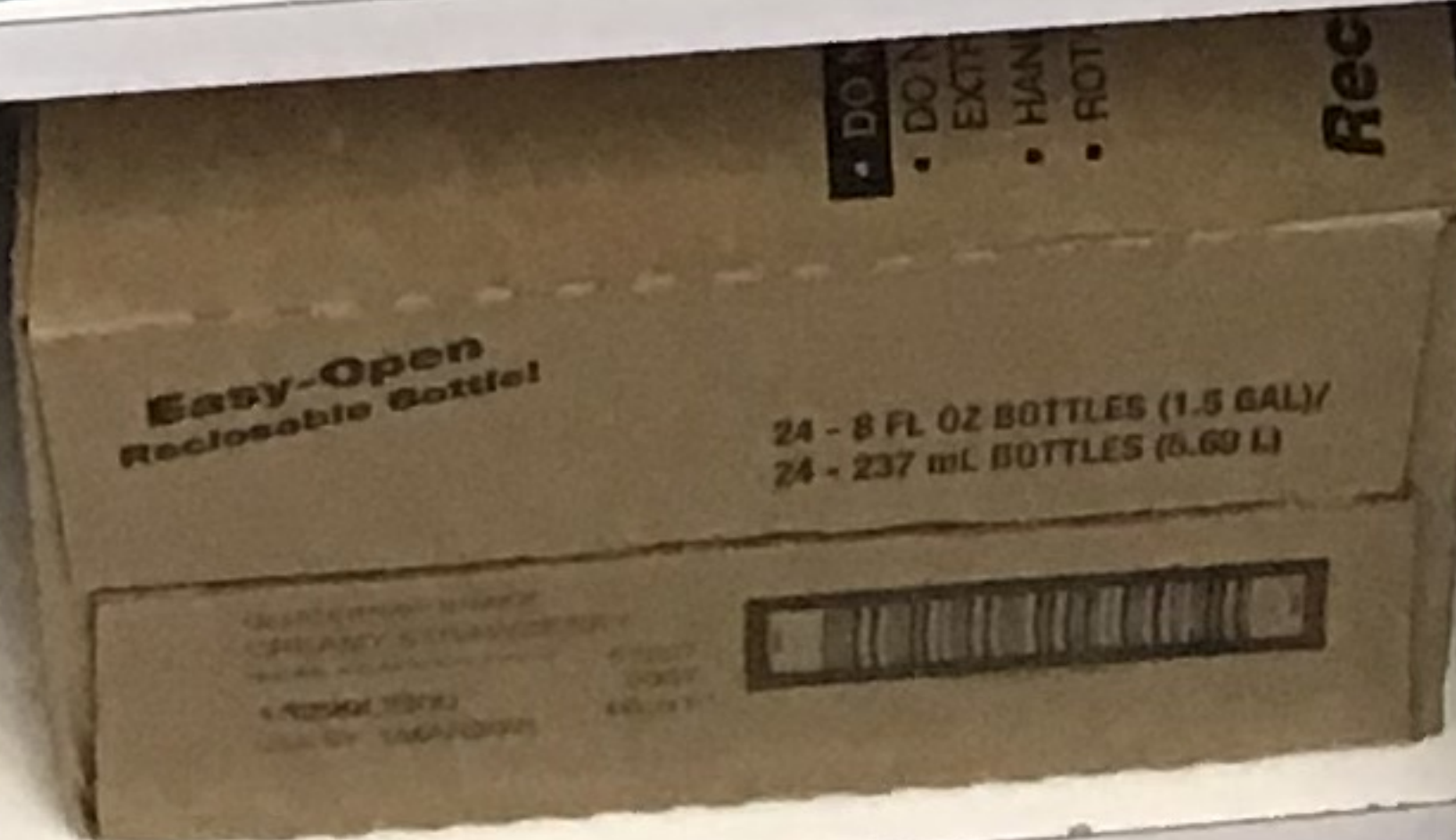
100
GLOVES
(BY WEIGHT)

CITYMED®

XL

POWDER FREE NITRILE
EXAMINATION GLOVES

100
GLOVES
(BY WEIGHT)

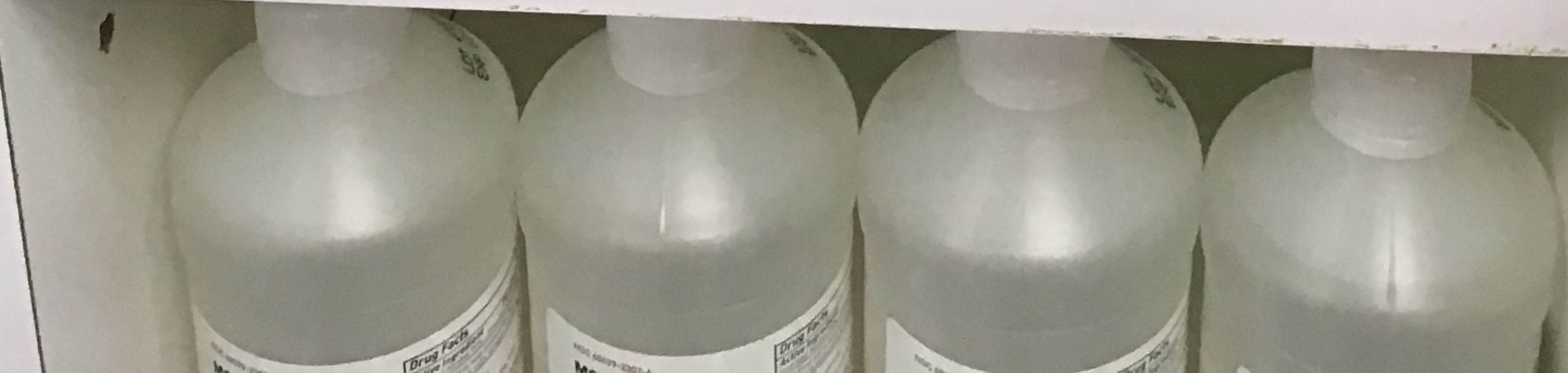
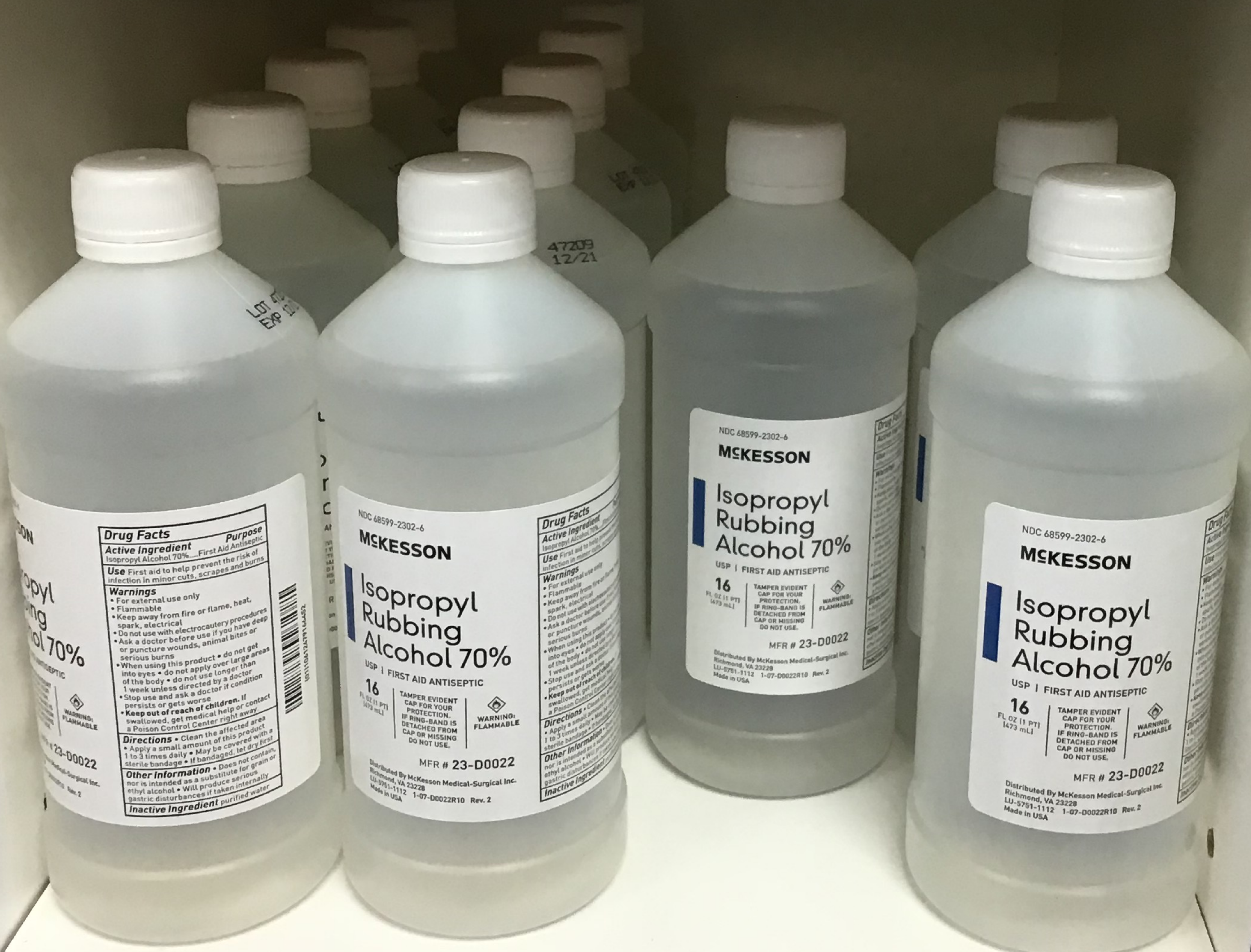


PLEASE RETURN THIS BAG TO A PARTICIPATING STORE FOR RECYCLING

1/10
BLACK PLAIN

STERILE
GLOVES
100
GLOVES
(BY WEIGHT)

POWDER FREE
SINGLE USE
NON-STERILE
ANTISTATIC
NOT MADE WITH NITRILE BUTADIENE RUBBER





SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 05437285

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

RESPONDENT: Elmhurst Pharmacy and Home Infusion Corp DBA: _____
MAILING ADDRESS: 81-06 Baxter Avenue LICENSE NO.: _____
Address Line 1
Queens, NY 11373 EXPIRATION DATE: MM/DD/YYYY
Address Line 2 (if necessary) PHONE: 718 507-2299 ☐ Cell
City / State / ZIP Code

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: 03/27/2020
TIME OF INSPECTION: 11:55 ☒ AM to 12:40 ☒ 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: 07/02/2020 AT: 9:30 ☒ 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.	<input type="checkbox"/> Cross Reference No.	Business Category
Type:	<input type="checkbox"/> PTL <input type="checkbox"/> REQ <input type="checkbox"/> CMP <input type="checkbox"/> FTR <input type="checkbox"/> REV <input type="checkbox"/> SUS <input checked="" type="checkbox"/> Other	<u>PG 810</u>
Attachments:	<input type="checkbox"/> Additional violation pages: No. pages: _____ <input type="checkbox"/> Vehicle Seizure Form No. pages: _____ 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)
B. TITLE 6 of the RULES OF THE CITY OF NEW YORK (see column 3)
C. NY AGRICULTURE & MARKETS LAW (see column 3)

D. TITLE 1 of the NY CODES, RULES, and REGULATIONS (see column 3)
E. NY GENERAL BUSINESS 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) MM/DD/YYYY
☐ Date of inspection ☐ Date of prior settlement
☐ Date of prior decision ☐ Date of contract

☐ You are being charged as a "recidivist" or repeat violator. See below for 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/dca.

A-H	1	2	3	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
	CH.	SUB CH.	SEC.				
B					<input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th	Merchant sells or offers for sale goods or services with an excessive price increase during an imminent threat to public health	23
					<input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th		
					<input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/> 4th		

Continued on Page 2

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 of Service: ☒ 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:
☐ Respondent or Owner ☐ Manager ☒ Person/employee of suitable age/discretion ☐ Owner/Operator of seized vehicle
☐ To be served via United States Postal Service (See Affidavit/Affirmation of Service By Mail.)

Inspector Name (Print) N. Bell Inspector Signature [Signature] Badge 815

I received a copy of this summons on behalf of the Respondent
Name (Print) Nancy Schauback Signature [Signature] Position/Relationship to Respondent Pharmacist Date 03/27/2020

SUMMONS NUMBER: 05437285

Page 2

Key to Violations

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

Respondent is charged with violating:

Start Date of Unlicensed Activity: <i>(if applicable)</i>		Respondent is charged with violating:	
<input type="checkbox"/> You are being charged as a "responsible person"		<input type="checkbox"/> Date of inspection <input type="checkbox"/> Date of prior decision	<input type="checkbox"/> Date of prior settlement <input type="checkbox"/> Date of contract

☐ You are being charged as a “recidivist” or repeat violator. See below for 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 the back of Page 1. 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/dca.

A-H	1	2	3	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
	CH.	SUB CH.	SEC.				
The number under "Counts" represents the number of individuals that...							

The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.

						<input type="checkbox"/> 2nd	
						<input type="checkbox"/> 3rd	
						<input type="checkbox"/> 4th	
					<input type="checkbox"/> 2nd	McKesson Isopropyl Rubbing Alcohol 70% 16 fl oz price \$5.99 Merchant sells or offers for sale goods or services with an excessive price increase during an imminent threat to public health.	
					<input type="checkbox"/> 3rd		
					<input type="checkbox"/> 4th		
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					<input type="checkbox"/> 3rd		
					<input type="checkbox"/> 4th		

☐ **continued on Page 3**



March 27, 2020

Lorelei Salas
Commissioner

42 Broadway
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/dca



Re: Case Number: 9450-2020-CMPL - Elmhurst Pharmacy and Home
Infusion Corp

**Regarding your complaint against Elmhurst Pharmacy and
Home Infusion Corp**

Thank you for contacting the NYC Department of Consumer Affairs (DCA). We have carefully reviewed your complaint against Elmhurst Pharmacy and Home Infusion Corp 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.



9450-2020-CMPL