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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?

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Вопросы?

¿Preguntas?

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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: 05437285

Page 2

key to violations	
A. TITLE 20 of the NYC ADMINISTRATIVE COL	ÞΕ

(see columns 1, 2, and 3)

B. TITLE 6 of the RULES OF THE CITY OF NEW YORK (see column 3)

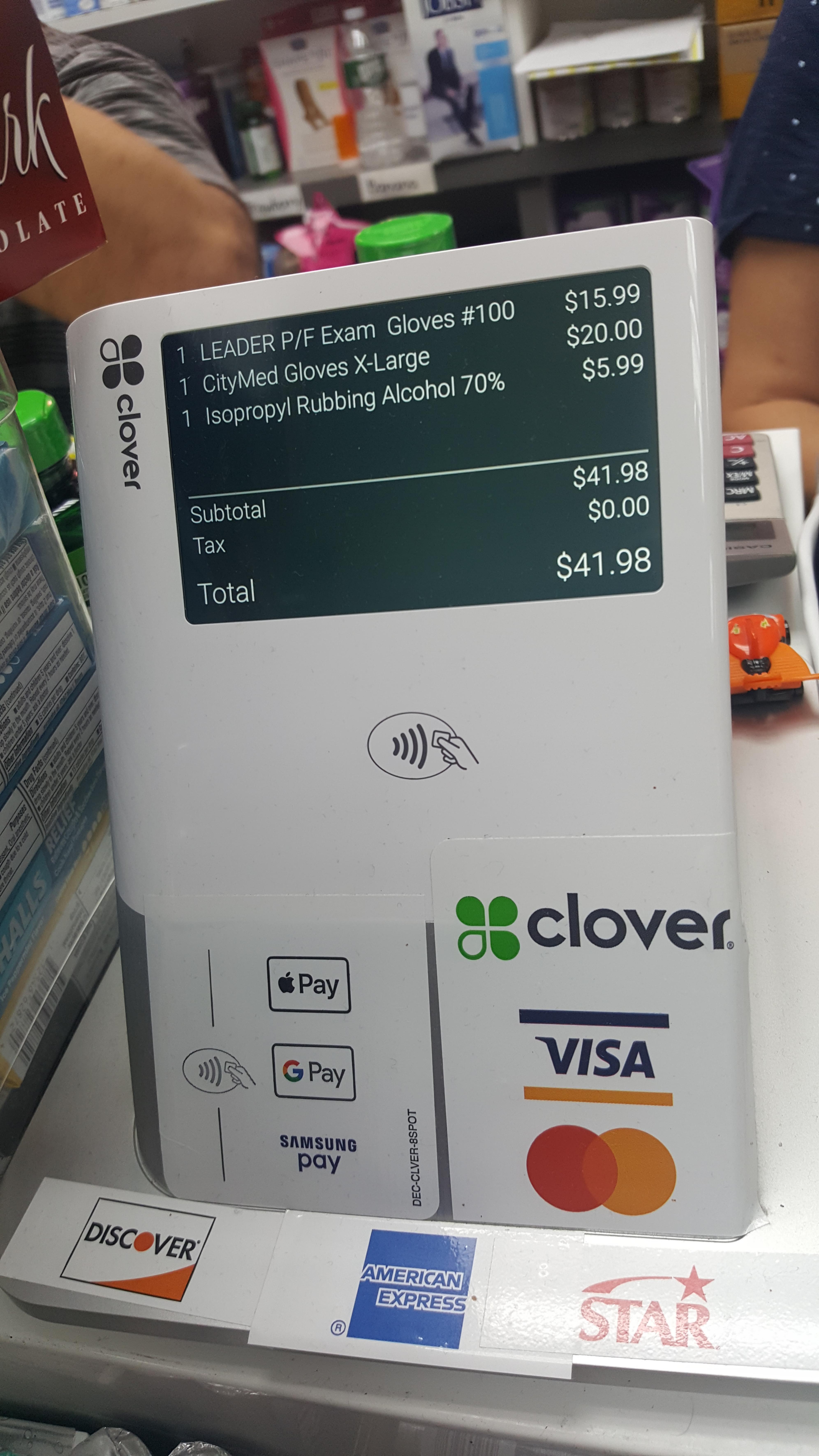
C. NY AGRICULTURE & MARKETS LAW (see column 3)
D. TITLE 1 of the NY CODES, RULES, and REGULATIONS (see column 3)

E. NY GENERAL BUSINESS LAW (see column 3)
F. TITLE 10 of the NYC ADMINISTRATIVE CODE, CHAPTER 1

(see column 3)

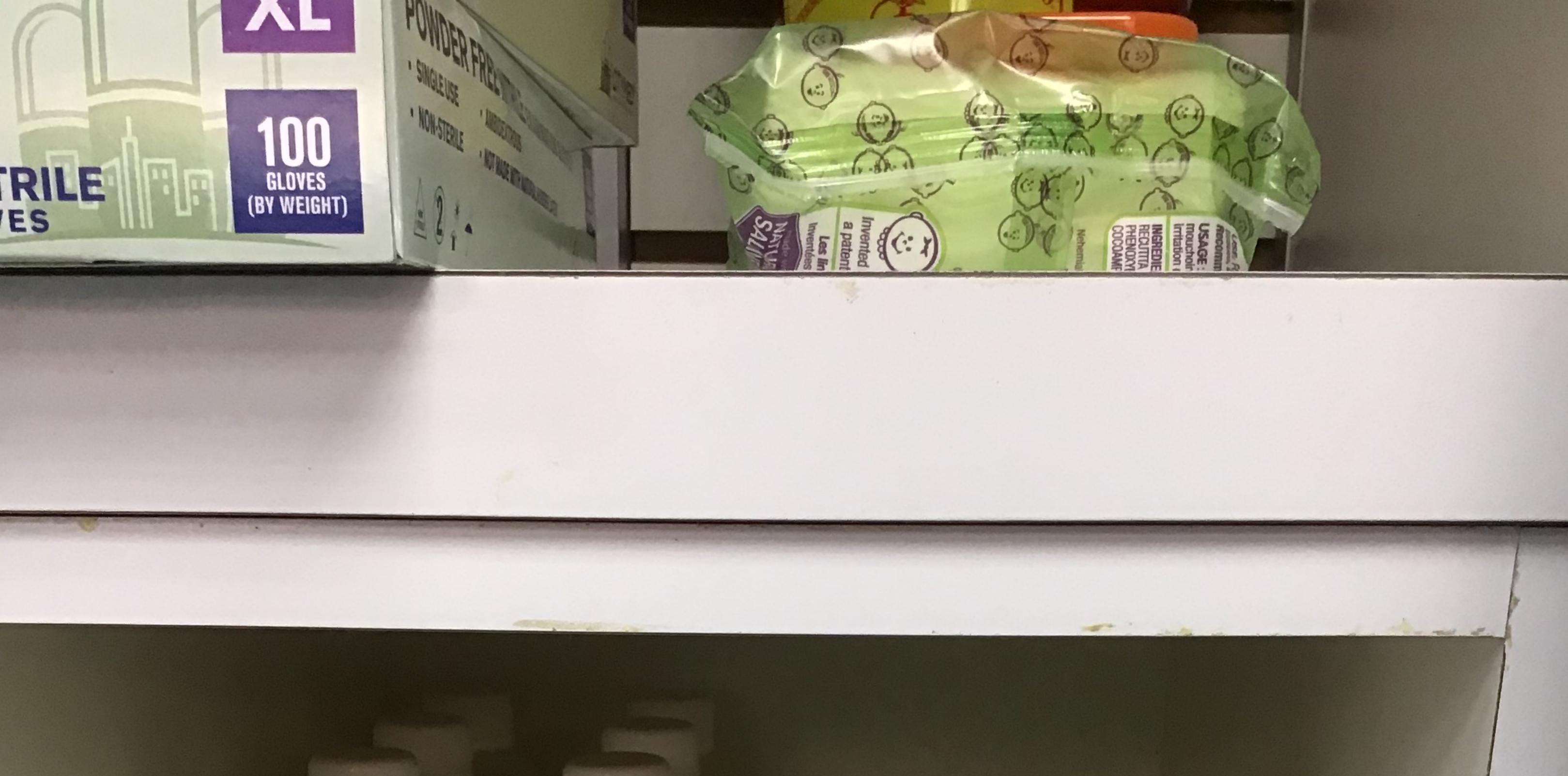
G. NYC Health Code (see column 3)
H. Other

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						Rules of the City of New York, beginning at Section 6-10, for a full schedule of potential	
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SUMMONS NUMBER: 05437285

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

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SUMMONS NUMBER: 05437285

Page 2

Key to Vi	olations
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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

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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