



State of New York
County of Broome Government Offices

Broome County Health Department · Environmental Health

Jason T. Garnar, County Executive · Olivia Catalano, MHA, Director of Public Health
225 Front Street, Binghamton, NY 13905
Phone: (607)778-2847 · Fax (607) 778-3912 · www.gobroomecounty.com

FINDING OF VIOLATION

April 2, 2026

Red Oak
ATTN: Peter Kapogiannatos
305 Front Street
Binghamton, NY 13905

RE: Olivia Catalano, MHA vs. Red Oak

On **04/23/2025, 08/22/2025, 04/01/2026** you were notified in writing that as owner/operator of premises located at 305 Front Street, Binghamton, NY 13905, you were in violation of one or more provision(s) of the New York State Public Health Law, the Broome County Sanitary Code or the New York State Sanitary Code.

VIOLATION NUMBER	PERTINENT LAW OR REGULATION	VIOLATION	MAXIMUM FINE
1	New York State Sanitary Code, Section 14-1.40(a)	Potentially hazardous food not stored at 45°F and below, or 140°F and above outside of necessary preparation time. (04/23/2025, 08/22/2025, 04/01/2026)	\$500.00 Per Day

Number of Violations: 3
Maximum Fine: \$1500

Please take notice that a hearing concerning the above cited violations shall be held at the Edwin L. Crawford County Office Building, 6th Floor, Broome County Attorney's Office, before a designated hearing officer.

Please take further notice that at such hearing, you shall be given a reasonable opportunity to be heard by written or oral argument on issues of law and fact.

Please take further notice that if you wish to contest the allegations set forth in this Finding of Violation, you must submit an answer in writing to the Broome County Commissioner of Health, Broome County Health Department, 225 Front Street, Binghamton, New York, 13905 within ten (10) days after you have received this Finding of Violation. Such answer shall be deemed submitted upon receipt by the Broome County Health Department.

Please take further notice that the hearing shall be conducted pursuant to the New York State Public Health Law, New York State Code of Rules and Regulations and the Broome County Sanitary Code. You are responsible for contacting all witnesses who will offer testimony in your behalf. You are also responsible for producing all documents, records, or other evidence that you wish to present at the hearing. Should you wish to compel the production of documents or other evidence not in your possession or the presence of witnesses, you must contact the hearing officer, whose name, address, and telephone number are set forth below, to issue and sign a subpoena.

Please take further notice that should you fail to submit an answer within the time limit set forth above, you shall be deemed to be in default in these proceedings, and such default shall constitute a waiver of your right to a hearing. A hearing officer may treat all the allegations set forth as admitted and may, without further notice to you, render a decision or order assessing penalties, directing corrective measures, and/or commanding any other appropriate action.

Please take further notice that should you fail to appear at the time and place designated for the hearing, you shall be deemed in default of these proceedings, and that such default shall constitute a waiver of your right to a hearing, regardless of whether you have submitted an answer in a timely fashion. Upon default, the hearing officer may treat all the allegations set forth above as admitted and may, without further notice to you, render a decision or order assessing penalties, directing corrective measures, and/or commanding any other appropriate action.

Please take further notice that you may appear at the hearing in person or by representative, with or without counsel, that all witnesses will testify under oath that a record of the proceedings will be made, that you may cross-examine witnesses and examine evidence produced against you.

Benjamin Holden, on behalf of
Olivia Catalano, MHA
Public Health Director
Broome County Health Department

cc: Broome County Law Department
Hearing Officer
File