



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0156350673 et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- MARIE LANDO Hearing Date: 08/04/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0156350673	Dismissed	05/23/2026	Jerome Ave/E 233 Rd Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AA13	56RCNY 1-04(C)(3)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Sargo, Esq. appeared at the hearing by phone for Respondent. Russell Pecunies, Esq. appeared by phone for Petitioner with Allison Gerth observing. Respondent was charged with violation of 56 RCNY 1-04(c)(4) for unlawful dumping in a park. This case was previously adjourned for the IO. Mr. Pecunies stated that he was unable to reach the IO and requested a further adjournment for the IO's appearance. Mr. Sargo objected to any further adjournment. As Petitioner has not shown a valid reason for the IO's non-appearance, the request for a further adjournment was denied. Mr. Sargo made a motion to dismiss, citing Appeal 210058. He argued that the cited charge requires dumping of more than 1 cubic yard of refuse by a vehicle or conveyance. He stated that here there was no allegation of a vehicle or other means of conveyance nor was there an allegation of more than 1 cubic yard or refuse. Mr. Pecunies stated that the summons was issued by a DEP police

officer. He stated that they are not normally found in NYC and are responsible for the watershed in upstate NY. He was unsure of how the IO was at the cited location. He noted that Respondent was charged because of mail found in the bag.

56 RCNY 1-02 defines "unlawful dumping" as the transport of prohibited material to the dumping site by use of "a dump truck or other vehicle or conveyance." The disposal of less than one cubic yard of refuse constitutes "littering." Here, the summons fails to allege that Respondent used a vehicle or other means of conveyance to deposit the refuse, nor does the summons allege that the refuse exceeded the "one cubic yard." I find the charge to be conclusory and fails to make out a prima facie case.

Accordingly, the summons is dismissed.



08/20/2026

08/20/2026

Daniella Caputo, Judicial Hearing Officer

Date