



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 048588872R et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- DAVID ELLI INC Hearing Date: 01/03/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$50.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048588872R	Sustained	08/07/2024	1248 LEXINGTON AVENUE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPQ	16-120 (A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Attorney Ms. Kane appeared. Petitioner did not appear.

Respondent is charged with a violation of NYCAC 16-120(a) for failing to maintain waste receptacles.

Respondent moved to dismiss this summons and stated that this summons was issued to the wrong Respondent. Respondent submitted ACRIS results for block 1513 lot 16 showing that the owners are 133 E. 87th Street [Exhibit A]. Respondent also moved to dismiss the summons for vagueness, since the summons only indicates that the place of occurrence was "the side" of 1248 Lexington Avenue.

I do not credit Respondent's arguments. The ACRIS document does not indicate that block 1513 lot 16 is the same location as 1248 Lexington Avenue. I find that Petitioner provided sufficient information in the summons for Respondent to prepare a defense. I credit the inspector's observations and find that Respondent failed to maintain proper waste receptacles.

Accordingly, this summons is sustained.

	01/03/2025
Christine Delince, Hearing Officer	Date