



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 048599053R et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- QUEENS VENTURES NY LLC Hearing Date: 02/26/2025 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
048599053R	Sustained	10/17/2024	103-24 123rd Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS26	A.C. 16-118(2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on February 26, 2025.

Caroline Kane, attorney for Respondent, Queens Ventures NY LLC, appeared at the hearing. No appearance on behalf of petitioner.

The summons charges NYC Admin. Code 16-118(2)(a) for dirty area. Ms. Kane stated that the citation should be dismissed because the debris did not emanate from the cited premises.

Ms. Kane stated that the building super has worked at the premises for the last 28 years, he is very competent, and he cleans every day between 6:30-7:00 AM and he cleaned on the date of the violation.

Premises owners must keep specified areas of their premises, including front yards, "free from garbage, refuse, rubbish, litter, debris and other offensive material" at all times regardless of the source of the debris. See *NYC v. Joan Brown-Claxton*, Appeal No. 46206 (October 25, 2007); *NYC v. Lloyd Ally*, Appeal No. 0900239 (December 3, 2009). The respondent can establish a defense if he/she can show that sufficient efforts on a daily basis to keep the area clean. Once-daily cleanings are insufficient to establish a reasonable-efforts defense. See *NYC v. Si Li*, Appeal No. 1500781 (September 25, 2015). The cleaning efforts required to meet the reasonable efforts defense vary with each case, depending on the type of premises involved, the nature of the surrounding neighborhood, and the amount of pedestrian and vehicular traffic.

Petitioner has established a prima facie violation. I credit Respondent's testimony, but I find that Respondent did not present sufficient evidence on which a determination could be made that they made a reasonable effort to maintain the outside areas of the premises free of litter and debris daily. The owner of the premises must always keep sidewalks clean at all times regardless of the source of debris.

Accordingly, the summons is sustained.

 Jennifer Cook, Esq.	03/04/2025
Jennifer Cook, Hearing Officer	Date