OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

NORA BROWN - NACMIAS LAW FIRM PPLC 592 PACIFIC STREET Brooklyn,NY 11217	**Summons No:** 049438515L et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- MARK DIPALMA **Hearing Date:** 10/15/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount: **$4,000.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049438515L	Sustained	04/01/2026	On N/S of BERGEN AVENUE b/w AVENUE V & AVENUE W Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS13	A.C. 16-119	Sustained	$4,000.00

Findings of Fact & Conclusions of Law

Steven Stroble appeared under oath at the hearing as the authorized representative of the Petitioner the New York City Department of Sanitation. The issuing officer did not appear at the hearing.

Officer Stroble testified that he did not write the Summons, but he observed the video and determined based upon the video that the cited 2018 Dodge Caravan, NY license plate # LAH7715. He submits DMV printout, a series of photographs and a video, marked collectively as exhibit "1". and relied on the issuing inspectors sworn written testimony and recommended the statutory penalty.

Nora Brown appeared under oath as the authorized representative of the respondent. She testified that the named respondent is the driver of the cited vehicle. She submits 4 affidavits highlighting Mark DiPalma's character, community service, and efforts to dispose of waste properly based on his belief that the cited area was allowed for trash disposal. The Affidavit emphasize his honesty, civic-mindedness, and lack of intent to illegally dump, arguing that penalties and vehicle impoundment are disproportionate and the inability to pay the excessive fines.. The four affidavits are marked collectively as Exhibit "A".

Respondent is charged with illegal dumping, authorizing occupants of the cited 2018 white Dodge Caravan, NY license plate # LAH7715, unlawfully dumping approximately 1 cubic yard black bag, sheetrock debris and trash from the rear of the vehicle onto the ground at the specified location, without permits, which was captured by DSNY surveillance camera (Serial # DSNY-BKS18-046, under Code 16-119.

Code § 16-119(a) provides, in pertinent part: It shall be unlawful for any person, his or her agent, employee, or any person under his or her control to suffer or permit any . . . rubbish or debris of any sort . . . being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any sidewalk, street ... public place . . . or other area whether publicly or privately owned.

I find Ms. Brown's defense that the respondent reasonably believed that he was allowed to dispose of the trash in the cited place of occurrence and the respondent was unaware that he could not dump the cited box at the place of occurrence. The community elders told Mr. DiPalma that he could place trash in the cited area to not be credible. I also find that the cited that financial hardship is not a valid defense. See DOB v. Robert Gonzalez, Appeal No. 2001235 (December 16, 2020); and DSNY v. Seetharaman Adimoolam, Appeal No. 2100609 (July 22, 2021).

Based upon the above I sustain the summons, and find respondent in violation of Code § 16-119 and imposing the civil penalty of $4,000.00.



10/22/2026

10/22/2026

Keith J. Ludwiczak, Judicial Hearing Officer — Date