



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: 049534700N et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- PATRICIA A. LEE Hearing Date: 05/26/2026 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: **\$50.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049534700N	Sustained	01/08/2026	1991 ATLANTIC AVE. Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS06	A.C. 16-118(2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Respondent, PATRICIA A. LEE, appeared at a one click hearing by attorney, Michael Nacmias, to adjudicate a summons issued by the DSNY alleging a violation of 16-118(2)(a) dirty sidewalk.

Respondent moved to dismiss the summons and states that the violation does not establish how long the debris was present prior to the officer's observation, nor does it demonstrate that the respondent had sufficient time to discover and remedy the condition. A longer time period of observation needs to be held to confirm that it is in fact the fault of the respondent and not just some random passerbys.

I find that Respondent has not established a defense to the violation.

Code § 16-118(2)(a), requires a premises owner to keep the sidewalk abutting the property free of debris at all times, regardless of the source of the debris. See NYC v. Joan Brown-Claxton, Appeal No. 46206 (October 25, 2007).

A respondent may establish a reasonable-efforts defense to a Code § 16-118(2)(a) charge by showing that sufficient efforts were made on a daily basis, including the date of offense, to keep the cited area clean by frequent, regular, and thorough inspections, and cleanings or pick-ups of the area upon observation of debris. See NYC v. Annmarie C. Forrest, Appeal No. 1400168 (April 24, 2014). 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. See NYC v. Abraham Zanger, Appeal No. 1200091 (June 28, 2012).

I find that Respondent has not established that they make sufficient efforts on a daily basis, including the date of offense, to keep the cited area clean by frequent, regular, and thorough inspections, and cleanings or pick-ups of the area upon observation of debris. Respondent stated that they did not sweep the sidewalk on the date the summons was issued.

I find Petitioner established the violation.

SUSTAINED.



05/26/2026

05/26/2026

Margaret Tolan, Judicial Hearing Officer

Date