



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Sargo - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 047521574X et al. (1 summonses)

THE NEW YORK CITY DEPARTMENT OF SANITATION,

-against-

SILVERCUP SCAFFOLDING

Hearing Date : 11/21/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
047521574X	Dismissed	03/03/2023	350 Beach 80 Street, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AS10	A.C. 16-118(6)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Respondent Silver Cup Scaffolding appeared by Michael Sargo; petitioner Department of Sanitation was not present. The summons charged respondent with a violation of NYC Administrative Code Section 16-118(6), noxious liquids, alleging that "respondent did allow Leachate to accumulate from a vehicles and stored materials in the street."

Respondent urged dismissal for failure to state a prima facie case, arguing that there was no evidence or statement that leachate was noxious / no description of what was seen other than the word "leachate" and that it was in the vicinity of unidentified vehicles and stored materials.

I credit respondent's motion and find that use of the word leachate, without any description of the origin or the contents of the observed liquid leachate (e.g., what the substance was or what noxious substances the water may have passed through / combined with to create leachate observed in liquid form), did not make out a prima facie case. See *DSNY v Zevel Transfer LLC*, Appeal # 1900859 (August 8, 2019) (describing the leachate observed as a mixture of solid waste and water). There is no violation and the summons is dismissed.



11/22/2024

11/22/2024

Seth Cummins, Hearing Officer

Date