



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: 048199323P et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- LI'S GARDEN Hearing Date: 12/06/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048199323P	Dismissed	12/26/2023	42-87 Main St. Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPQ	16-120 (A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on December 6, 2024.

Respondent LI'S GARDEN was represented by CHIA HAN LIN, an authorized representative.

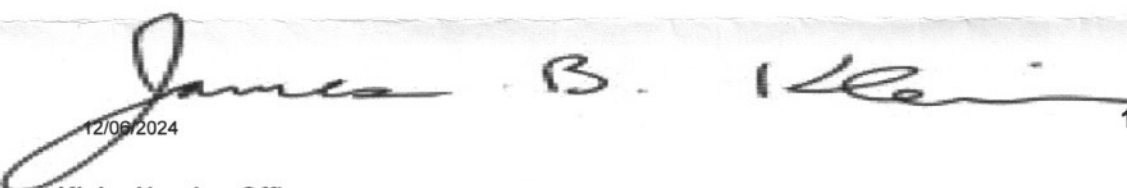
No appearance on behalf of petitioner DSNY

The summons charges: 16-120 (A)

The respondent states that the cited refuse did not come from the respondent, which is a commercial tenant. The cited refuse came from the residential tenants who mixed it in with the respondent's refuse. Respondent submitted information showing that the building is mixed use.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent. I also credit respondent's testimony and evidence presented and find that the respondent has established a valid defense in that the cited refuse did not come from the respondent.

The summons is dismissed.

 12/06/2024	12/06/2024
James Klein, Hearing Officer	Date