



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

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

Summons No: 048690896M et al. (1 Summons)

**THE NEW YORK CITY DEPARTMENT OF
SANITATION,**

-against-

ROSE CAKE

Hearing Date: 02/10/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: **\$50.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048690896M	Sustained	11/07/2024	43-27 Main St Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPQ	16-120 (A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Respondent appeared by M. Sargo. Petitioner did not appear. Petitioner charges Respondent with a violation of NYC AC 16-120(A). Mr. Sargo challenged the summons and argued that the cited section of law does not require "rigid" receptacles. The section does require receptacles to be metal or "other material of grade and type acceptable to the Department." I find that describing such receptacles as "rigid" would cover the definition. I do not find Respondent has established they were not in violation. No further valid defense or evidence was presented. I credit the allegations in the summons and find Respondent was in violation on the cited date. I uphold the violation and impose the standard penalty.



02/14/2025

02/14/2025

Kristina Ross, Hearing Officer

Date