



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0803553576 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- ZHANG MEI FENG Hearing Date: 10/24/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$300.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803553576	Sustained	07/17/2025	203-06 48th Ave Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH4I	NYCHC 151.03(A)	Sustained	\$300.00

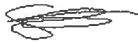
Findings of Fact & Conclusions of Law

Respondent, Mei Feng Zhang, appeared by attorney, Frank Tamberino, Esq., in response to the above issued summons for an alleged violation of New York City Health Code 151.03.

In defense to the summons, Mr. Tamberino presented a pdf with five photographs he stated were taken by the Respondent around mid-September showing planting material. He argued that the quantity in the containers did not rise to the level of an extensive violation, and the material inside also did not make out a violation of the cited provision.

I credit the allegations in the summons and find that Petitioner proved this violation by a preponderance of the evidence.

Respondent's photographs, even if credited, would have been taken about two months after the issuance of the summons and do not credibly rebut the IO's observations at the time the summons was issued. I do not find that Respondent established the contents of the containers in the photographs appeared as they would have on the date of issuance. Therefore, Petitioner established through the IO's sworn observations that there were containers with standing water and decomposing matter, and Respondent failed to present credible evidence that would rebut those observations and shift the burden back to Petitioner, aside from the penalty amount; I am persuaded that the penalty imposed should be that for a minor condition, not extensive. According to 24 RCNY 7-06, minor standing water violations are associated with trash cans and buckets while extensive violations are reserved for major areas such as untreated swimming pools or open foundation construction sites. I find that the conditions cited in the summons prove a violation of the former, but do not rise to the level of an extensive condition. Summons is sustained, and Respondent is ordered to pay the standard penalty for a minor condition.



10/24/2025

10/24/2025

Samantha Chetrit, Judicial Hearing Officer

Date