



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street Brooklyn, NY 11217	Summons No: 049475045Z et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- ROSE CAKE HOUSE Hearing Date: 04/24/2026 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
049475045Z	Sustained	12/05/2025	43-27 Main Sreet Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS5C	16-118 (2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Respondent Rose Cake House appeared by its attorney Michael Nacmias, by electronic submission. Petitioner NYC Department of Sanitation did not appear.

Mr. Nacmias argued "Motion to Dismiss. The summons only alleges the presence of paper bags and boxes but does not establish that they accumulated or remained for any meaningful duration. Temporary debris that may have blown onto the sidewalk does not meet the legal standard of "accumulation" under §16-118(2)(a)."

Mr. Nacmias' argument has no merit. He misrepresents the allegation, which includes ashtray contents, bottles, paper bags,

pieces of paper, and boxes, and he presented no legal authority for his assertion about "the legal standard of 'accumulation
I find that the summons makes out a prima facie case for violation of the cited section, shifting the burden of going forward t
respondent, and Mr. Nacmias has presented no facts in rebuttal.

I fully credit the summons and I find that respondent was in violation of AC 16-118(2)(a) for maintaining a dirty sidewalk.

Accordingly, this summons is sustained and the penalty of \$50.00 is hereby imposed.



04/24/2026

04/24/2026

Mitchell Regenbogen, Judicial Hearing Officer

Date