



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                            |                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Caroline Kane, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street, 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0803253826 et al. (1 Summons)</b><br><br><b>DEPARTMENT OF HEALTH &amp; MENTAL<br/>HYGIENE,</b><br><br><b>-against-</b><br><br><b>ABDO SALEH AHMED</b><br><br><b>Hearing Date: 03/31/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$300.00**

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

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE         |
|------------|---------------------|--------------------|-----------------------------|
| 0803253826 | Sustained           | 11/04/2024         | 502 Prospect Place Brooklyn |

| LINE<br>ITEM | OATH<br>CODE | CODE<br>SECTION/RULE | RESULT    | PENALTY  |
|--------------|--------------|----------------------|-----------|----------|
| 1            | AH3P         | NYCHC 151.02(A)      | Sustained | \$300.00 |

**Findings of Fact & Conclusions of Law**

The hearing was conducted via telephone conference call on March 31, 2025.

Caroline Kane, attorney for Respondent, appeared at the hearing. No appearance on behalf of petitioner DOHMH.

The summons charges NYC HC 151.02(a) for harborage conditions. Ms. Kane submitted extermination invoices in support of a best efforts defense. See Respondent's Exhibit.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent. Respondent,

as premises owner, is responsible for keeping the premises free of harborage conditions and for managing waste, even if the conditions were caused by another. See *DOHMH v. 97 Arden Associates L*, Appeal No. 1900056 (April 18, 2019). An owner can establish a defense to ongoing rodent activity by establishing ongoing efforts taken to prevent and control the harborage and free movement of rodents, including tightly storing garbage and hiring a pest management company that inspects at least once per month, places traps, and seals any burrows observed. See *NYC v. Igal Wynter*, Appeal No. 1101035 (Dec. 15, 2011); see also *NYC v. Sherwood Salvan*, Appeal No. 1600853 (Sept. 22, 2016) (owner also places steel meshing to discourage new burrows). Here, although Respondent has a professional extermination service that treats the property once a month, the lack of any other efforts is insufficient to establish an ongoing efforts defense. Also, Respondent's representative did not address the conditions of the violation and how it was resolved. Therefore, by a preponderance of evidence, I find respondent in violation, and impose the standard penalty of \$300.



04/04/2025

04/04/2025

Alex Chung, Hearing Officer

Date