



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MICHAEL SARGO 592 PACIFIC STREET 1st FLOOR BROOKLYN,NY 11217	Summons No: 0803540944 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- 111-15 LLC C/O MGMT Hearing Date: 09/15/2025 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
0803540944	Dismissed	07/07/2025	111 15 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3N	NYCHC 151.02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On July 7, 2025, the New York City Department of Health and Mental Hygiene (DOHMH) issued Summons No. 0803540944 to 111-15 LLC c/o Mgmt ("the Respondent"), charging a violation of the New York City Health Code Section 151.02(a), alleging active signs of rats at 111 15 Street, Brooklyn, NY 11204. The Issuing Officer ("IO") stated that at 8:41 AM on July 7, 2025, "Active rat signs exist in that there were rat burrow exists at the base of premises fence on the front left exterior."

On September 15, 2025, Michael Sargo, counsel for the Respondent, appeared at hearing on behalf of the Respondent. No one from DOHMH appeared. Respondent's counsel submitted two exhibits into the record. Exhibit 1 is comprised of nine

pages of invoices and service records from Tri-State Pest Control. The service records indicate some of the building residents refused extermination. Exhibit 2 is a letter from Tri-State Pest Control, dated July 24, 2025. The letter states the pest control company has been providing extermination services to the Respondent since May 2, 2025. The letter states the exterminator works on both the interior and exterior of the premises.

Respondent's counsel stated that the exterminator came to the building three times in May 2025, and has since been coming monthly.

Based on the evidence before me, the Code charge is dismissed. Code 151.02(a) reads: "All premises capable of attracting or supporting rodents, insects and other pests shall be kept free from rodents, insects and other pests, and from any conditions conducive to pests. The person in control of such premises shall take such measures as may be necessary to prevent and control the harborage and free movement of rodents, insects or other pests." A defense to the violation may be established where a respondent, prior to the date of offense, was already taking adequate measures to prevent and control pests, including receiving regular, monthly inspections by an exterminator, setting bait traps, and eliminating rat burrows. See *NYC v. Sherwood Salvan*, Appeal No. 1600853 (September 22, 2016); *NYC v. Igal Wynter*, Appeal No. 1101035 (December 15, 2011). It is not a defense if the conditions on neighboring properties caused the rat problem on a Respondent's property. See *NYC v. Robert F. Foster*, Appeal No. 1500236 (April 30, 2015)

I find the IO has established a prima facie 151.02(a) violation, but that the Respondent has established a defense to the charge. I credit Respondent's evidence that they were taking adequate measures to prevent and control pests prior to the issuance of the summons as required under pertinent case law.

Accordingly, the Code charge is dismissed.

Ashley Mitchell

09/16/2025

09/16/2025

Ashley Mitchell, Hearing Officer

Date