



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 049490617K et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- NIMITTA FUNDS LLC Hearing Date: 03/02/2026 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
049490617K	Sustained	10/07/2025	165-21 Hillside Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS2S	16-120 (A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

The Respondent appeared by Michael Nacmias, Esq. to answer a summons indicating a violation of NYC AC 16-120(a). The Issuing Officer observed refuse placed out for collection in bags and not in rigid receptacles with tight fitting lids or other means as authorized by DSNY. Such property contains 1-9 residential dwelling units.

Mr. Nacmias states via electronic submission that the summons does not establish that the Respondent failed to provide or use rigid receptacles with tight-fitting lids, nor that the bags observed were placed by the Respondent. Mr. Nacmias states that the observation alone is insufficient to prove a violation.

Pursuant to Code § 16-120(a), premises owners must provide and maintain in accordance with this section receptacles with tight-fitting covers for the deposit of waste. Per 16 RCNY §§ 1-02.1(a) and 1-02.5, as of November 12, 2024, all residential premises, except for premises containing ten or more units, are required to place out trash for collection at the curb in rigid receptacles with secure, tight-fitting lids.

Petitioner established its prima facie case through the IO's affirmed statement in the summons. See 48 RCNY § 6-12(b). Once Petitioner established its case, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). The Respondent has neither refuted the charge nor established an affirmative defense. Moreover, an inference may be drawn that because the cited item placed out for collection was observed in front of a respondent's premises, it came from that premises. See NYC v. 632 Morris Park Realty LLC, Appeal No. 1601363 (February 16, 2017). The Respondent has not rebutted such inference. Accordingly the summons is sustained.



03/02/2026

03/02/2026

Genna Rosten, Judicial Hearing Officer

Date