



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Andre Autz, Esq. - Nacmias Law 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0703680900 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- P CITYWIDE CONTAINER SERVICE COR Hearing Date: 12/05/2024 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$750.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0703680900	Sustained	08/29/2024	Avenue P Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADC4	AC 19- 123	Sustained	\$750.00

Findings of Fact & Conclusions of Law

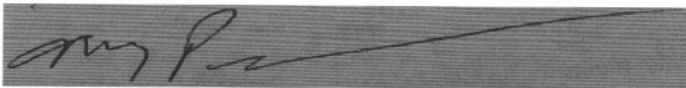
Andre Autz, Esq. appeared for Respondent Citywide Container Service Corp. at a hearing. Representative Brijnanand Persaud appeared for the Petitioner.

On 8/29/24 at 3:44pm, the IO alleges Respondent violated Code 19-123, which holds in relevant part, it shall be unlawful for any person using a commercial refuse container or the owner or lessee thereof to place or to permit the placement of such container on any street unless the owner of such container has obtained a permit. The details of the violating conditions are specified in the summons.

Petitioner's representative submitted a copy of the violation details from the HIQA system, 6 photos and a copy of the violation. Petitioner's representative stated that Respondent placed a commercial refuse container in a parking lane without a valid DOT permit.

Respondent's counsel stated an exception is applicable in this case for container owners not the proper party to obtain a DOT storage permit as it is the contractor's responsibility and submitted an appeals case #1400182 in support.

I credit Petitioner's case. I find that the evidence supports a prima facie case for the violation as alleged and Respondent has not provided a defense or rebutted Petitioner's charge. Accordingly, I find that the summons is sustained and the standard penalty is imposed for this violation.



12/09/2024

12/09/2024

Malik Pearson, Hearing Officer

Date