



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0703722645 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CITYWIDE CONTAINER SERVICE CORP Hearing Date: 03/17/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0703722645	Sustained	10/17/2024	52 Charles Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADB7	34RCNY 2-14(F)(2)(II)	Sustained	\$250.00

Findings of Fact & Conclusions of Law

CITYWIDE CONTAINER SERVICE CORP

0703722645

Respondent is charged with a violation under 34 RCNY 2-14(f)(2)(ii).

Paul Stewart appeared on behalf of Petitioner. Caroline Kane, Esq. appeared on behalf of Respondent.

Mr. Stewart submitted photo evidence (P Ex 1).

Ms. Kane made a motion to dismiss the summons, arguing it is Respondent's obligation to place the container on the street, and Respondent does not monitor the container after that. She said these are metal containers with wheels, and someone else pushed the container and moved it. She said she does not know who or how or when.

Mr. Stewart argued the cited container is a commercial refuse container and not something that can be pushed, as it is too heavy.

Ms. Kane offered nothing further.

I do not find Ms. Kane's argument to be plausible. I credit the details as alleged in the summons and find Respondent failed to rebut them.

Therefore, the summons is SUSTAINED.

 03/19/2025	03/19/2025
Susan Brand, Hearing Officer	Date