



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0703826568 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- P CITYWIDE CONTAINER SERVICE COR Hearing Date: 07/03/2025 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
0703826568	Dismissed	02/22/2025	Covert St btw Irving & Knickerbocker Aves Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADC4	AC 19- 123	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner, the DOT, appeared by its authorized representative, Keith White. Respondent appeared by its attorney, Frank Tamberino, Esq. Both parties appeared by telephone.

On February 22, 2025, Respondent was charged with a violation of NYC Admin. Code 19-123 for having a container on a NYC street without a valid permit.

Mr. White submitted three photographs taken by the Issuing Officer depicting a container at the cited location.

Mr. Tamberino stated that the photos depict that the container belonged to another company. He noted that the photographs depict the name of the company on the container as "Max Carting."

Both parties agreed that the Respondent had a container at that location via a valid permit in the recent past and that the permit was expired at the time of the violation. Mr. White agreed that the depicted container in the photographs is not the Respondent's container. He did not rebut the defense.

Although the Summons makes out a prima facie case I find a valid defense was raised. I credit Petitioner's evidence. I find that the Depicted container is from a different company and is therefore not the Respondent's container. Accordingly, the Summons is dismissed.



07/08/2025

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Joseph Diperna, Hearing Officer

Date