



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: 0803158795 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- 2959 NOSTRAND AVENUE C/O MGMT Hearing Date: 11/15/2024 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
0803158795	Dismissed	08/21/2024	2959 Nostrand Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3W	NYCHC 151.02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, 2959 NOSTRAND AVENUE C/O MGMT, appeared in person in response to the above issued summons. Respondent was represented by attorney, Caroline Kane, Esq. Petitioner, Department of Health and Mental Hygiene, did not appear. Respondent is charged with a violation of NYC HC § 151.02(A).

Ms. Kane moved to dismiss the summons arguing that Respondent was working to eliminate rodents. Ms. Kane testified that Respondent has a professional exterminator that services the property once a month. In support of her testimony, Ms. Kane submitted invoices from OnGuard Pest Control dating back to May 2024. Ms. Kane testified that per the invoices, the exterminator puts out bait boxes and treats and collapses rat burrows.

I credit Respondent's testimony and evidence and find that Respondent has established a valid defense. Respondent has provided evidence of sufficient ongoing efforts to keep the premises free from pests prior to the issuance of the summons.

Accordingly, this summons is dismissed.



11/21/2024

11/21/2024

Trishawn Raffington, Hearing Officer

Date