



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: 0803472048 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- 1883 REALTY LLC Hearing Date: 06/04/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$300.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803472048	Sustained	04/24/2025	1883 3rd Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3N	NYCHC 151.02(A)	Sustained	\$300.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Frank Tamberino, Esq.

The Summons alleges a violation of HC 151.02(a), failure to eliminate rodent infestation as shown by active rat signs 3rd violation, in that on 4/24/2025 at 12:29pm at 1883 3rd Avenue, Active rat signs exist in that 3 rat active structural burrows were observed in pavement expansion and 1 next to cellar door at side right. this is the 3rd violation in 24 month period. Summons # 0803084289, 0803084270 was issued on 5/31/2024; 0803279804, 0803279813 On 11/8/2024 which is within 24 months. Respondent failed to take measures necessary to prevent and control the harborage and free movement of rodents, insects and other pests.

HC 151.02(a) provides Properties shall be free of pests. All premises capable of attracting and supporting rodents, insects and other pests shall be kept free from rodents, insects and other pests and from any conditions conducive to pests. The person in control of such premises shall take such measures as may be necessary to prevent the harborage and free movement of rodents, insects and other pests.

First, I am amending the Summons to a first violation as there has been no proof presented that the prior alleged Summonses were found in violation.

Respondent moved to dismiss the Summons. They took over the building in 11/2024. Respondent then retained Rescue Pest to provide twice monthly service to the building filling bait stations and holes.

Respondent submitted a Log showing payments made to Rescue Pest from 11/2024 through 5/2025. Respondent also submitted the contract with Rescue Pest providing for twice monthly service.

Respondent stated that the alleged priors were all issued before they started the program with Rescue Pest.

Respondent has provided no details regarding the twice monthly service besides the contract and payment of bills.

Respondent did not contradict the conditions cited by the Inspector at the time the Summons was issued.

Respondent has not rebutted the Summons.

I sustain the Summons.

Deborah Schwartz

06/12/2025

06/12/2025

Deborah Schwartz, Hearing Officer

Date