



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: 048861371N et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- BASSOUL ALBERT Hearing Date: 03/25/2026 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048861371N	Dismissed	01/08/2025	Front Of 2034 EAST 8 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS2S	16-120 (A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Nacmias appears for the Respondent via 1-click submission. Petitioner did not appear. Administrative Code § 16-120(a) requires that refuse be placed out for collection in rigid receptacles with tight-fitting lids or other containers authorized by the Department of Sanitation. The Officer observed refuse placed out for collection in uncovered receptacles, not in rigid receptacles with tight-fitting lids.

The Respondent requested dismissal. The Respondent asserted that the summons is facially insufficient. The Respondent contended that the officer failed to specify the type of receptacle found or describe exactly how it lacked the required characteristics of being rigid and having a tight-fitting lid. The Respondent further maintained that the observation provided by

the officer does not constitute enough evidence to validate a violation. The Respondent submitted no additional or supporting evidence.

I find that the Petitioner's summons fails to establish a prima facie case. The summons is defective because it incorrectly cites the Rules of the City of New York (RCNY) for a charge that must be governed by the Administrative Code. To be facially sufficient, a summons must cite the correct legal authority for the alleged violation. Because this summons relies on the RCNY instead of the applicable Administrative Code section, it is legally inadequate.

For these reasons, I credit the Respondent. The summons is dismissed.



03/27/2026

03/27/2026

Nkechinyelum Udogwu, Judicial Hearing Officer

Date