



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 049185102K et al. (5 summonses)

THE NEW YORK CITY DEPARTMENT OF SANITATION,

-against-

EXPRESS LUMBER & PLUMBING SUPPLY INC

Hearing Date : 12/4/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 3,750.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049185102K	Sustained	06/05/2025	1301 60 STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	750.00

Total Penalty for Summons: 750.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049185103M	Sustained	06/05/2025	6013 13 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	750.00

Total Penalty for Summons: 750.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049185105X	Sustained	06/05/2025	6017 13 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	750.00

Total Penalty for Summons: 750.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049185107J	Sustained	06/05/2025	6017 13 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	750.00

Total Penalty for Summons: 750.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049185110K	Sustained	06/05/2025	6021 13 AVENUE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	750.00

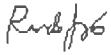
Findings of Facts & Conclusions of Law

The summonses allege that respondent committed violations of the New York City Administrative Code section 19-121(a) by having wood, forklift, metal cart, pallets of construction material and other items stored on a city street without a permit allowing storage of materials or equipment in the street.

Frank Tamberino, attorney, appeared on behalf of Respondent. The Department of Sanitation did not appear.

Mr. Tamberino moved to dismiss all five summonses. He submitted a photograph of the premises, and stated that respondent operates a lumber yard. That as such, respondent was entitled to an exemption from the cited rule. That respondent sometimes receives shipments and said shipments are only kept outside temporarily.

I credit the allegations contained in the summonses as well as respondent's photograph. I find that respondent failed to invoke a proper exception to the cited rule. As such, Respondent failed to rebut the allegations or argue a valid defense thereto. Respondent is found in violation as to all five summonses.



12/04/2025

12/04/2025

Ricardo Luiggi, Judicial Hearing Officer**Date**