



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

NORA BROWN - NACMIAS LAW FIRM PPLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 049388084X et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- LY INC EXPRESS LUMBER & PLUMBING SUPP Hearing Date: 01/29/2026 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
049388084X	Dismissed	10/31/2025	6013 13TH AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner, the DSNY, was not represented at the hearing. Respondent appeared by Nora Brown, an authorized representative, via telephone.

On October 31, 2025, Respondent was charged with a violation of NYC Admin. Cod 19-121(A) for street obstruction with construction equipment.

Ms. Brown was seeking a dismissal of the charge because the DSNY does not have jurisdiction to issue Department of Transportation violations. Ms. Brown also argued that the cited property is a lumber yard and does not have construction

activities going on other than the delivery, storage and sale of lumber.

I find that having lumber on the sidewalk is not construction equipment. Here, the Respondent has a lumber supply yard. The Respondent was not engaging in construction operations. This is a complete overstretch by the DSNY Issuing Officer. At best, Respondent can be charged with is a sidewalk obstruction, which the DSNY has the authority to issue, which in the instant case it did do in violation 049388090M on the same day for the same set of facts for the same cited address as the instant Summons.

Accordingly, the Summons is dismissed.

	
01/30/2026	01/30/2026
Joseph Diperna, Judicial Hearing Officer	Date