



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

NORA BROWN - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn ,NY 11217	Summons No: 049511243P et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- EXPRESS LUMBER & PLUMBING SUPPLY INC. Hearing Date: 01/15/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$750.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049511243P	Sustained	10/16/2025	Side of 1301 60 Street Brooklyn

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

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on January 15, 2026. Petitioner did not appear. Authorized representative Nora Brown appeared for Respondent.

The summons charged a violation of Section 19-121(a) of the Administrative Code of the City of New York (Code) for obstruction of a street with construction materials/equipment without a permit. Specifically, the summons states that the issuing officer (IO) observed wood and two pallets of other construction material stored on the street.

Respondent moved to dismiss on the basis that the summons was duplicative of summons 049511242N. She noted that both

summonses were issued on the same date, at the same time, and cite the same section of law.

Generally, a summons is duplicative when it cites the same respondent at the same place of occurrence, within 24 hours, and on the same factual basis under either the same provision of law or a different provision of law with the same elements of proof. See *NYC v. 187 Pinehurst Owners Corp.*, Appeal No. 1300221 (July 25, 2013).

The summons here is not duplicative of the summons ending in 42N. Although the summonses were issued on the same date to the same respondent, they do not cite the same place of occurrence. The present summons cited the place of occurrence as the "side of 1301 60 Street", whereas the summons ending in 42N stated that the IO observed wood and bundles of metal planks "on W/S of 13 Avenue between 60 Street and 61 Street." Respondent did not dispute the allegations in the summons or establish a defense. The summons is sustained.



01/23/2026

01/23/2026

Melissa Koven, Judicial Hearing Officer

Date