OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	Summons# : 049558483M et al. (1 summonses) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- LY INC EXPRESS LUMBER & PLUMBING SUPP Hearing Date : 3/23/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 0.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049558483M	Dismissed	12/22/2025	5904 13TH AVENUE, Brooklyn

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

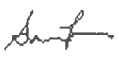
The summons alleges the respondent violated NYC Administrative Code 19-121(a), construction material/equipment with no permit, in front of 5904 13th Avenue Brooklyn, on December 22, 2025. Michael Sargo Esq., appeared for the respondent Express Lumber & Plumbing Supply Inc.. The respondent DSNY did not appear.

The issuing officer stated in the sworn summons that there was a large green forklift stored on a city street. There was no permit posted at worksite allowing storage of construction materials or equipment in street.

The respondent denied the charge.

The respondent moved to dismiss the summons. The respondent said that it is a lumber yard. The summons was issued at its location. The rule cited by the respondent applies to material and equipment left out at a construction and or excavation site without a permit. See NYC AC 19-121(a). That is not the case here. The respondent argued further that the petitioner DSNY does not have the authority or jurisdiction to issue a DOT violation of this type.

The respondent's motion to dismiss is granted. I find the petitioner issued this violation at the respondent's place of business and not a construction and/or excavation site. Accordingly, I find the summons fails to allege sufficient facts on which the respondent could be found in violation. The summons is dismissed.



03/30/2026 **03/30/2026**

Anthony Feldmesser, Judicial Hearing Officer **Date**