



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0803148290 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- THE HEIGHTS CONDOMIN C/O JABCO MGMT Hearing Date: 10/22/2024 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
0803148290	Dismissed	08/10/2024	7902 15th Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3P	NYCHC 151.02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On August 10, 2024, at 11:32 a.m., Respondent, The Heights Condominium, was issued a summons for violation of New York City Health Code Section 151.02(a), in that the Issuing Officer (I.O.) observed harborage conditions that encourage the nesting of rats in that there was overgrown vegetation on the left side of the property located at 7902 15th Avenue, Brooklyn, New York.

Section 151.02(a) of the Health Code requires that all premises capable of attracting or supporting rodents, insects and other pests shall be kept free from rodents, insects and other pests, and from any conditions conducive to pests. The person in control of such premises shall take such measures as may be necessary to prevent and control the harborage and free

movement of rodents, insects or other pests.

At the hearing, Caroline Kane, Esq., represented the Respondent, The Heights Condominium. There was no appearance by Petitioner, NYC Department of Health and Mental Hygiene.

Ms. Kane made a motion to dismiss this summons asserting that this is a wrong named respondent. There is no such entity named The Heights Condominium. Ms. Kane asserts that the Issuing Officer made up the name for the condominium. As evidence in support, Respondent submitted the NYC Finance Property Information which lists the different owners of the condo units (Respondent's Exhibit A). The Heights Condominium is not listed an owner. As to the merits, Ms. Kane stated that Respodnent has an exterminator and submitted as evidence a letter stating that they were hired after the issuance of the summons. .

I hereby grant Respondent's motion to dismiss this summons and find that Petitioner named an incorrect respondent. There is no evidence that The Heights Condominium is the owner of the premises. Additionally, as to the merits I do not find that Respondent established a valid defense as this violation is for harborage conditions, specifically overgrown vegetation. Having a professional exterminator treat the premises does not relate to the offense charged.

Accordingly, this summons is Dismissed.



11/15/2024

11/15/2024

Eva Marie Russo-Lane, Hearing Officer

Date