



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias 592 Pacific Street BROOKLYN, NY 11217	Summons No: 048510707N et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- KURBANOV SHAMSHOD Hearing Date: 03/02/2026 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: \$25.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048510707N	Sustained	11/13/2024	4024 Manhattan Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AR7G	16RCNY 1-08(H)(1),(2)	Sustained	\$25.00

Findings of Fact & Conclusions of Law

The Respondent appeared by Michael Nacmias, Esq. to answer a summons indicating a violation of 16RCNY 1-08(H)(1)(2). The Issuing Officer observed cardboard, corrugated cardboard, boxes that were not properly tied, bound and secured that were placed out for collection. Property has less than 9 dwelling units.

Mr. Nacmias states, via electronic submission, that the summons fails to establish that the Respondent placed cardboard out in violation of DSNY bundling requirements, and the observation does not demonstrate an ongoing non-compliant condition attributable to the Respondent.

16 RCNY 1-08(H) (1)(2) provides: (h) *Collection procedures for designated recyclable and other materials.* The owner, resident, net lessee, or person-in-charge of a residential building must be responsible for the following. The responsibilities set forth in this subdivision shall also apply to residents of buildings containing three dwelling units or less in which as a matter of regular practice the resident is responsible for bringing his/her solid waste to curbside for collection: (1) *Designated recyclable metal, glass and plastic:* (i) *Curbside collection service.* Designated recyclable metal, glass and plastic (other than bulk metal or bulk plastic) that is collected for recycling via curbside recycling collection service must be placed at curbside in containers or plastic bags complying with subparagraphs (e)(1)(ii) or (e)(2)(ii) of this section on the day(s) specified for recycling collection by the Commissioner. Bulk metal and bulk plastic must be placed next to such containers on such days. (ii) *Mechanized collection service.* Owners, net lessees or persons-in-charge must call their district garage to make arrangements for recycling collection of bulk metal and bulk plastic. (2) *Designated recyclable paper:* (i) *Curbside collection service.* Newspaper, magazines, catalogs, phone books and corrugated cardboard that are collected via curbside collection service must be placed out for collection in securely tied bundles. Bundles must not exceed eighteen inches in height. Mixed paper required to be recycled must be placed out for curbside collection in rigid containers or plastic bags complying with subparagraphs (e)(1)(i) or (e)(2)(i) of this section. Other designated recyclable paper (i.e., newspapers, magazines, phone books, and corrugated cardboard) must be placed out for curbside collection in such rigid containers or plastic bags or in securely tied bundles, which must not exceed eighteen inches in height. Corrugated cardboard must be broken into small pieces (no larger than 9 inches by 11 inches) before being placed into rigid containers or plastic bags. (ii) *Mechanized collection service.* Designated recyclable paper that is collected via mechanized collection service must be placed in containers complying with paragraph (e)(3) of this section. Corrugated cardboard must be collapsed and placed into containers in a manner which will enable such material to fall freely from containers during collection. On the day of collection, containers must be placed in an area determined by the Commissioner to be accessible to Department vehicles.

Petitioner established its prima facie case through the IO's affirmed statement in the summons. See 48 RCNY § 6-12(b). Once Petitioner established its case, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). Respondent has neither refuted the charge nor established an affirmative defense. Moreover, Respondent has not rebutted the inference that the items placed out for collection did not emanate from Respondent's property. Accordingly the summons is sustained.

Genna Rosten Mayala

03/02/2026

03/02/2026

Genna Rosten, Judicial Hearing Officer

Date