



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: 048394317M et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- 248 PARK SLOPE LLC Hearing Date: 01/09/2025 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
048394317M	Dismissed	08/19/2024	248 7TH STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPM	16-120 (A)(2)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Caroline Kane, Esq., attorney for respondent, appeared via telephone conference call on 1/9/25. No appearance on behalf of petitioner DSNY.

Respondent was charged with violating 16-120(a)(2), improper receptacle (Local Law 111 required).

Respondent's counsel asked that this summons be dismissed as plaintiff has not made a prima facie case. Respondent's counsel argued that the summons is concerned with minimizing harborage conditions for rodents and that the section of local law 111 of 2022 which concerns harborage only applies to a property that has received 2 or more pest violations within one

year. Respondent's counsel argued that a property which falls under this category has certain obligations, and that this law concerns prior violations. Respondent does not believe this summons makes a prima facie case because there are no prior summonses noted on this summons.

I agree with respondent's counsel and find that petitioner has failed to establish that Section 16-120(a)(2) applies to the subject premises and that the premises was required to comply with the cited section of law. In consideration of respondent's counsel's argument, I find that petitioner failed to demonstrate that the premises received 2 prior violations of the applicable Health Code/Housing and Maintenance Code within the past 12 months. The summons is dismissed accordingly.



01/21/2025

01/21/2025

Robyn Goodman, Hearing Officer

Date