



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq 592 Pacific street BROOKLYN,NY 11217	Summons No: 048644353Z et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- R&I DEPARTMENT STOREINC Hearing Date: 01/23/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$50.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048644353Z	Sustained	10/25/2024	1285 Fulton street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS06	A.C. 16-118(2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

A hearing by telephone was held on summons 048498701N on January 23,2025. Respondent's attorney appeared. Petitioner DSNY was not present. Respondent waived the presence of the issuing officer. Respondent was charged with violating section 16-118(2)(a) of the Administrative Code for failing to clean 18 inches into the street after the issuing officer observed large accumulation of debris on the sidewalk in front of 1285 Fulton street Brooklyn during the established residential routing hour of 10:00AM, to10:59 AM . The premises is described as commercial .

I give credit to the issuing officer's observations as contained in the summons and find it establishes prima facie proof that a violation occurred. Having established prima facie case the burden shifts to Respondent to establish a credible defense .

Respondent moves for dismissal and argues that the the garbage was on a public sidewalk and that it did not emanate from the Respondent's premises. Respondent offered no other details or evidence in support of the argument. I find that Respondent's proof is insufficient to rebut the presumption established by the IO's credible observations. The observed garbage was in front of the cited premises thus the permissible inference is that it came from the cited commercial establishment. The summons is sustained.



01/23/2025

01/23/2025

Janet Albertson, Hearing Officer

Date