



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MABEL OGHOJAFOR - NACMIAS LAW FIRM PPLC 592 Pacific Street Brooklyn, NY 11217	Summons No: 048599190N et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- QUEENS VENTURES NY LLC Hearing Date: 04/11/2025 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
048599190N	Sustained	12/10/2024	103-28 123rd St. Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS26	A.C. 16-118(2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Summons # 048599190N was issued for a violation of section 16-118(2)(a); fail to clean 18 inches into the street. At T/P/O I did observe bottles, leaves, pieces of paper, tissues, wrappers scattered within the 18-inch curb line, during the established routing hour of 8:00 AM-8:59AM.

Mabel Oghojafor appeared for the respondent.

The Petitioner DSNY was not present.

The respondent moved to dismiss the charge. She stated that the area is a public curb. Also, the debris did not originate from the respondent. She believes that the respondent or agent cleans every day, or every other day and they clean primarily on garbage pick-up days. The premises are boarded up and are under construction.

The summons is credited.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

The respondent is responsible for cleaning and maintaining the premises.

The fact that the premises is boarded up, that the debris did not originate from the respondent, or that the curb is a public area are not legally valid or meritorious defenses.

I do not find that the respondent uses reasonable efforts to clean and maintain the premises.

The source of the debris is not a defense; the premises owner must keep the street free of debris regardless of the source. Also, sufficient efforts must be made daily to keep the premises clean by frequent, regular, and thorough inspections and cleaning. See *DSNY v. Laurens Paul*, Appeal No. 2401011 (July 25, 2024).

Accordingly, the summons is sustained and a standard penalty in the amount of \$50.00 is imposed.

04/13/2025	
04/13/2025	
Michelle Mason, Hearing Officer	Date