



Office of Administrative Trials and Hearings
Hearings Division

DECISION

Michael Nacmias 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 049522638N et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- JEAN-BAPTISTE SERGE Hearing Date: 03/18/2026 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: **\$50.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049522638N	Sustained	10/23/2025	561 EAST 26 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASP4	A.C. 16-120(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Michael Nacmias, authorized representative of Respondent, JEAN-BAPTISTE SERGE, appears by online submission.

Respondent is charged with violation of Section 16-120 (A) of the Administrative Code of the City of New York for uncovered receptacle in front of 561 East 26 Street, Brooklyn. In the summons, the issuing officer (IO) affirms at 8:17 AM on October 23, 2025 observing a box spring not placed in a securely sealed bag out for collection by the Department.

Section 1-04.1 of Title 16 of the Rules of the City of New York (RCNY) provides that any person disposing of bedding must enclose it in a plastic bag. The Rule further states that failure to enclose bedding in a plastic bag is a violation of Code Section

I find the summons states sufficient facts to establish a violation under the above-referenced law.

Representative, attorney, denies the violation and seeks dismissal testifying The Department of Sanitation did not observe the respondent placing the boxspring out for disposal, the summons is based solely on the presence of an item at the location, which is insufficient to establish liability under OATH precedent, the location cited is accessible to multiple individuals and the Department failed to establish that the respondent was the party responsible for the disposal.

Representative fails to rebut the charge and or establish a meritorious defense. The provide vague and insufficient detail or information to establish the cited box spring did not belong to Respondent or emanate from the premise.

The summons full and properly makes out a prima facie violation under this code section. Moreover, the IO was not required to observed the cited box spring being placed in front of the premise.

I find Respondent improperly placed out the cited box spring in front of the premise at the time of the summons and is in violation.

Accordingly, I sustain the summons.



03/18/2026

03/18/2026

Jesse Londin, Judicial Hearing Officer

Date