



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: 0803210376 et al. (1 Summons)

DEPARTMENT OF HEALTH & MENTAL
HYGIENE,

-against-

16 CHRISTOPHER STREET C/O MGMT

Hearing Date: 02/12/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: **\$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803210376	Dismissed	09/27/2024	18 GAY STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3Y	NYCHC 151.02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A hearing was held on February 12, 2025 via telephone in connection with summons number 0803210376 ("the summons") which cites a violation of N.Y.C. Health Code Section 151.02(A). The Issuing Officer observed on September 27, 2024 at 18 Gay Street, New York, New York ("the premises") at 1:52pm conditions conducive to rodent infestation.

The Respondent appeared through its authorized representative, Attorney Caroline Kane.

The Respondent made an application during the hearing for a dismissal of the summons. In support of the application for a dismissal, the Respondent produced invoices from an exterminating service provider that treated the premises on or around the time that the summons was issued. The invoices were identified during the hearing as Respondent's Exhibit A. The invoices were admitted into the record as evidence at the hearing. Based on the invoices, the Respondent contends that it has undertaken the necessary efforts required to prevent any harborage condition(s) at the premises.

N.Y.C. Health Code Section 151.02 is entitled "Prevention and Pest Management Measures". Section A. of N.Y.C. Health Code Section 151.02 provides as follows:

Properties shall be free of pests. All premises capable of attracting or supporting rodents, insects and other pests shall be kept free from rodents, insects and other pests, and from any conditions conducive to pests. The person in control of such premises shall take such measures as may be necessary to prevent and control the harborage and free movement of rodents, insects or other pests.

The summons makes out a prima face violation of N.Y.C. Health Code Section 151.02(A). However, the Respondent has established a meritorious defense to the cited violation charge within the summons. In that respect, the Respondent has provided evidence reflecting that an exterminating service provider treats the premises on a monthly basis, including around the time period in which the cited violation charge within the summons was observed. As such, it is hereby determined that the ongoing efforts defense applies to this matter. *See NYC v. Igal Wynter*, Appeal No. 1101035 (Dec. 15, 2011).

Therefore, the summons is dismissed.



02/12/2025

02/12/2025

April Forbes, Hearing Officer

Date