



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo - Law Office of Michael Nacmias 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 048449350J et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- ATTB LLC Hearing Date: 11/21/2024 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
048449350J	Sustained	06/27/2024	1049 Rutland Road 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

Respondent ATTB LLC appeared by Michael Sargo; petitioner Department of Sanitation was not present. The summons charged respondent with a violation of NYC Administrative Code Section 16-120(a), improper disposal of bedding, observing mattress not in a securely sealed bag out for collection.

Respondent urged dismissal for failure to state a prima facie case, arguing that section 16-120(a) contains no mention that a mattress must be in a securely sealed bag when put out for collection.

I credit petitioner's evidence and find supports a violation of the cited section of law. The "sealed bag" requirement is contained

in DSNY rules (16 RCNY 1-04.1(c), which provides that failure to comply is a violation of 16-120(a)). See, DSNY v Arshadnia Eskander, Appeal # 2401210 (August 29, 2024). The summons is sustained and a penalty of \$50.00 is assessed.

Seth J. Cummins

11/21/2024

11/21/2024

Seth Cummins, Hearing Officer

Date