



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# : 048294974Y et al. (6 summonses)

THE NEW YORK CITY DEPARTMENT OF SANITATION,

-against-

JUST RLTY CORP

Hearing Date : 2/6/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 300.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048294974Y	Sustained	04/19/2024	112-39 176 St, Queens

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

Total Penalty for Summons: 50.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048294981M	Sustained	04/23/2024	112-39 176 St, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AS6M	16-118 (2)(A)	Sustained	50.00

Total Penalty for Summons: 50.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048294990Y	Sustained	04/26/2024	112-39 176 St, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AS6M	16-118 (2)(A)	Sustained	50.00

Total Penalty for Summons: 50.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048397204J	Sustained	05/03/2024	112-39 176 St, Queens

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

Total Penalty for Summons: 50.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048397214N	Sustained	05/07/2024	112-39 176 St, Queens

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

Total Penalty for Summons: 50.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048397232R	Sustained	05/14/2024	112-39 176 St, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AS07	A.C. 16-118(2)(A)	Sustained	50.00

Total Penalty for Summons: 50.00

Findings of Facts & Conclusions of Law

The consolidated hearing on summonses 048294990Y, 048294981M, 048397232R, 048397204J, 048397214N, 048294974Y was conducted by telephone via Court Call on February 6, 2025. Petitioner did not appear. Respondent appeared through attorney Caroline Kane.

Summons 048294974Y charges a violation of Administrative Code (Code) § 16-118(2)(a) for a dirty sidewalk with the issuing officer (IO) affirming the observation of a large accumulation of bottles, leaves, napkins, twigs, plastic bags on the sidewalk during established routing hours.

Respondent did not contest the affirmed observations in the summons. Respondent moved to dismiss on the grounds that this was a public sidewalk and that the materials did not originate from the Respondent, but provided no evidence in support of this argument.

Code § 16-118(2)(a) requires every owner to keep sidewalks "free from garbage, refuse, rubbish, litter, and other offensive material." I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. I do not credit Respondent's argument, which is not supported by evidence, and find Respondent failed to establish a defense. Respondent's motion is denied, and the summons is sustained.

Summons 048294981M charges a violation of Administrative Code (Code) § 16-118(2)(a) for a dirty area with the issuing officer (IO) affirming the observation of a large accumulation of twigs, wrappers, bags, household rubbish in the front yard behind gate during established routing hours.

Respondent did not contest the affirmed observations in the summons, but moved to dismiss on the grounds that the cited section of law in the summons does not cover front yards.

Code § 16-118(2)(a) requires every owner to keep specified areas, including "sidewalks, flagging, curbstones, and air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter, and other offensive material." Front yards fall within the scope of "areaways" and "courts." See *DSNY v. Raja Adimoolam*, Appeal No. 1901107 (August 29, 2019); *NYC v. Lisa Chuyin Ye*, Appeal No. 1000347 (August 19, 2010); *NYC v. Chaya Kranz*, Appeal No. 46027 (June 28, 2007). Respondent's motion to dismiss consequently is denied.

I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. Respondent failed to establish a defense. The summons is sustained.

Summons 048294990Y charges a violation of Administrative Code (Code) § 16-118(2)(a) for a dirty area with the issuing officer (IO) affirming the observation of a large accumulation of leaves, twigs, wrappers, wood in the front yard during established routing hours.

Respondent moved to dismiss on the grounds that the cited section of law in the summons does not cover front yards. Respondent's motion to dismiss is denied because the Code section charged covers front yards as noted above. I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. Respondent failed to establish a defense. The summons is sustained.

Summons 048397204J charges a violation of Administrative Code (Code) § 16-118(2)(a) for a dirty sidewalk with the issuing officer (IO) affirming the observation of a large accumulation of scattered napkins, pieces of paper, twigs, weeds on the sidewalk during established routing hours.

Respondent did not contest the affirmed observations in the summons. Respondent moved to dismiss on the grounds that this was a public sidewalk and that the materials did not originate from the Respondent, but provided no evidence in support of this argument.

Code § 16-118(2)(a) requires every owner to keep sidewalks "free from garbage, refuse, rubbish, litter, and other offensive material." I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. I do not credit Respondent's argument, which is not supported by evidence, and find Respondent failed to establish a defense. Respondent's motion is denied, and the summons is sustained.

Summons 048397214N charges a violation of Administrative Code (Code) § 16-118(2)(a) for a dirty sidewalk with the issuing

officer (IO) affirming the observation of a large accumulation of scattered bottles, cans, pieces of paper, wrappers, weeds on the sidewalk during established routing hours.

Respondent did not contest the affirmed observations in the summons. Respondent moved to dismiss on the grounds that this was a public sidewalk and that the materials did not originate from the Respondent, but provided no evidence in support of this argument.

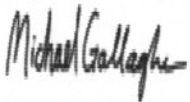
Code § 16-118(2)(a) requires every owner to keep sidewalks "free from garbage, refuse, rubbish, litter, and other offensive material." I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. I do not credit Respondent's argument, which is not supported by evidence, and find Respondent failed to establish a defense. Respondent's motion is denied, and the summons is sustained.

Summons 048397232R charges a violation of Administrative Code (Code) § 16-118(2)(a) for a sidewalk obstruction with the issuing officer (IO) affirming the observation of overgrown weeds extending three feet from the curb obstructing the pedestrian pathway.

Respondent moved to dismiss on the grounds that three feet of weeds is not a nuisance or obstruction because the sidewalk is wider than three feet and weeds can be walked through. Respondent further contended that weeds are not garbage, refuse, rubbish, or offensive material. Respondent, however, failed to submit any evidence to support the factual contentions in this argument.

Code § 16-118(2)(a) requires every premises owner to "keep and cause to be kept the sidewalk, flagging and curbstone abutting [the] property free from obstruction and nuisance of every kind," including overgrown weeds. See *DSNY v. Mee Wah Chan*, Appeal No. 2101655 (February 24, 2022); *DSNY v. Geoffrey G. Cavilte*, Appeal No. 1801733 (March 15, 2019); *DSNY v. David S. Elewitz*, Appeal No. 2000462 (May 21, 2020). A showing of total obstruction of the sidewalk is not required to establish a violation of the statute. See *NYC v. Frank Sollecito*, Appeal No. 1501080 (December 17, 2015) (finding violation established by weeds obstructing even small portion of sidewalk).

I credit the IO's observations, which Respondent did not contest, and find that they are sufficient to establish Petitioner's prima facie case. I do not credit Respondent's argument, which is not supported by evidence, and find Respondent failed to establish a defense. Respondent's motion is denied, and the summons is sustained.



02/06/2025

02/06/2025

Michael Gallagher, Hearing Officer

Date

