



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0803484431 et al. (1 Summons) DEPARTMENT OF HEALTH & MENTAL HYGIENE, -against- JUST RLTY CORP Hearing Date: 08/06/2025 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: \$0.00

Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0803484431	Dismissed	05/06/2025	112-39 176th Street Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AH3P	NYCHC 151.02(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Nacmias appeared by online submission dated June 12, 2025 and marked Respondent's Exhibit A in evidence, in response to a summons issued to Just Rlty Corp, Respondent, by the NYC Department of Sanitation.

Respondent is charged with violating NYC HC 151.02(a) on 05/06/2025 at 01:15 PM at 11239 176th Street in Queens. The Details of Violation state: "Harborage conditions encouraging the nesting of rats exists in that refuse, construction debris and rubbish were found within the premises."

Section 151.02(a) of the New York City Health Code provides that 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, and that 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. Conditions conducive to pests is defined as conditions of property construction, operation and maintenance in occupied or vacant property that promote or allow for the establishment of pest populations, their feeding, breeding and proliferation, and foster the creation of harborage conditions. Harborage is defined as any condition that provides shelter or protection for rodents, insects or other pests.

Michael Nacmias, attorney, states that there were no actual rodents or pests observed on the premise.

The presence of rodents or pests is not required to establish a violation of NYC HC 151.02(a) for harborage conditions. However, I find that the summons does not state sufficient facts to establish a violation in that "within the premises" is vague and does not indicate where the violation allegedly occurred.

The summons is dismissed.

	
08/06/2025	08/06/2025
Audrey Sher, Hearing Officer	Date