



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                             |                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street<br>Brooklyn, NY 11217 | <b>Summons No: 049501182L et al. (1 Summons)</b><br><br><b>THE NEW YORK CITY DEPARTMENT OF<br/>SANITATION,</b><br><br><b>-against-</b><br><br><b>ACQUISITION PROPERTIES OF FLUSHING<br/>LLC</b><br><br><b>Hearing Date: 04/23/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By One-Click</b> |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$50.00</b>         |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 049501182L       | Sustained                  | 12/03/2025                | 86-17 139 Street Queens    |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | AS07                 | A.C. 16-118(2)(A)            | Sustained     | \$50.00        |

**Findings of Fact & Conclusions of Law**

Respondent Acquisition Properties of Flushing LLC appeared by its attorney Michael Nacmias, by electronic submission. Petitioner NYC Department of Sanitation did not appear.

Mr. Nacmias argued "Motion to Dismiss. The summons alleges sidewalk obstruction due to weeds growing approximately two feet from the building. However, the weeds did not obstruct pedestrian passage. There was ample room for pedestrians to walk safely without restriction. The officer did not measure the remaining sidewalk width nor provide evidence that pedestrian movement was impeded. Minor vegetation near a building line does not constitute a substantial obstruction under the Administrative Code. The Department has not met its burden of proving an actual obstruction, and therefore, the violation

should be dismissed."

I find no basis to attach credibility to Mr. Nacmias' unsupported statements or arguments. It is unclear whether Mr. Nacmias is acting as an attorney or a witness. He has presented no source of any information being provided, and no sworn statement from any person showing personal knowledge was submitted. I find that the summons makes out a prima facie case for violation of the cited section, and I find that respondent presented no credible evidence in rebuttal.

I fully credit the summons and I find that respondent was in violation of AC 16-118(2)(a) for maintaining a sidewalk obstruction

Accordingly, this summons is sustained and the penalty of \$50.00 is hereby imposed.



04/23/2026

04/23/2026

Mitchell Regenbogen, Judicial Hearing Officer

Date