



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

FRANK TAMBERINO, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 047727186H et al. (1 summonses) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- RAM REALTY GROUP LLC Hearing Date : 2/23/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 50.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
047727186H	Sustained	11/04/2024	602 MORRIS AVENUE, Bronx

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

Findings of Facts & Conclusions of Law

Attorney Frank Tamberino appeared for Respondent, **RAM REALTY GROUP LLC.**, appeared for a hearing on February 23, 2026. Petitioner, Department of Sanitation, did not appear.

Respondent is charged with a violation of New York Administrative Code 16-118(2) (A).

Summons alleges on November 4, 2024, at 8:45am that “at TPO I did observe a large accumulated bottles, cans, cups, napkins, pieces of paper, tissues, wrappers on sidewalk at the above location during the established routing hour of 8am-8:59am.

Respondent argued that strangers dump garbage. Respondent argued that they have a super that cleans twice daily. Respondent argued that the location attracts people who litter and perform illegal dumping.

Section 16-118(2)(a) of the Administrative Code of the City of New York provides, in relevant part, that an owner, lessee, tenant, occupant or person in charge of any building or premises shall keep said sidewalks, flagging, curbstones, and air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter, debris and other offensive material.

A valid defense to this violation could be established by demonstrating that reasonable efforts have been made on a regular basis to clean the area in question, including on the date of the violation, regardless of the source of the debris.

I credit the allegation in the summons. I find that Respondent did not have a persuasive defense to excuse the summons since there was no evidence, such as a super’s affidavit, presented to support the daily cleaning routine the property adheres to. Therefore, I find that Respondent fails to make reasonable efforts to clean the area in question on a regular basis. See NYC v. Annmarie C. Forrest, Appeal No. 1400168 (April 24, 2014). Respondent, as owner, is responsible for keeping their property free from garbage regardless of the source of the garbage. See DSNY v. Edward Curry, Appeal No. 1800499 (July 12, 2012).

Accordingly, the summons is sustained and a standard penalty of \$50 is imposed.

 02/24/2026	02/24/2026
Iyayi Uwa, Judicial Hearing Officer	Date