



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: 049249835H et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- YEE DECHANG Hearing Date: 02/09/2026 Hearing Location: Remote Type of Hearing: By One-Click
---	--

Total Penalty Amount: **\$50.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049249835H	Sustained	08/04/2025	132-05 Avery Avenue Queens

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

Findings of Fact & Conclusions of Law

On 8/4/25, at 8:00 a.m., Respondent, Dechang Yee, was issued a summons for a violation of NYC Administrative Code §16-118(2)(a). The Investigating Officer (IO) stated that the IO observed a large accumulation of household waste and cardboard boxes in the front yard and storage area in front of 132-05 Avery Avenue in Queens during the established routing hour of 8 a.m. to 8:59 a.m.

Respondent appeared by its authorized representative, Attorney Michael Nacmias, via an on-line submission.

Respondent's representative requested dismissal of the summons, stating: "Motion to dismiss. DOS did not meet their burden

of connecting the cardboard boxes that were observed in the bush during a busy commuter hour to the respondent."

NYC Administrative Code §16-118(2)(a) requires property owners and persons in charge of a building to keep their sidewalks, flagging, curbstones, and air shafts, areaways, front yards, backyards, courts, driveways, and alleys (including 18 inches into the roadway from their curb line) free from garbage, refuse, rubbish, litter, and other offensive material at all times and regardless of its source.

I have reviewed Respondent's submission as well as the summons. I find that Petitioner has established a prima facie case of the violation through the IO's affirmed statement in the summons describing the IO's observations of debris in front of Respondent's property. See *NYC v. 217 Baitao Grocery Corp.*, Appeal No. 1500926 (November 19, 2015); *Section 6-12(b) of Title 48 of the Rules of the City of New York* (providing that a summons affirmed under penalty of perjury is prima facie evidence of the facts stated therein).

I credit the IO's affirmation in the summons that the IO observed debris in front of 132-05 Avery Avenue on 8/4/25. Respondent's representative suggested that the cardboard boxes came from passersby. However, it is not a defense that the garbage may have been left there by passersby or may have come from a source outside of the property. Respondent is responsible for cleaning debris left by others or blown by the wind. See *NYC v. Maria T. Seijas*, Appeal No. 1700972 (November 2, 2017). I find that Respondent has not refuted the allegations in the summons nor established a defense to the violation.

As a result, I sustain the summons. Accordingly, I am imposing a penalty of \$50.

Victoria Buffa Dandelet

02/09/2026

02/09/2026

Victoria Buffa Dandelet, Judicial Hearing Officer

Date