



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: 049249836J 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
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Total Penalty Amount: **\$50.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049249836J	Sustained	08/04/2025	132-05 Avery Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS2S	16-120 (A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

On 8/4/25, at 8:02 a.m., Respondent was issued a summons for a violation of NYC Administrative Code §16-120(A) for having improper receptacles. The summons consists of the following affirmation of the Investigating Officer (IO): "At T/P/O I did observe refuse placed out for collection in bags and not in rigid receptacles with tight fitting lids or other means as authorized by DSNY. Such property contains 1 to 9 residential dwelling units." In the "place of occurrence" field, the IO wrote: "Front of 132-05 Avery Avenue" in Queens.

Respondent appeared by its authorized representative, Attorney Michael Nacmias, via an on-line submission and requested dismissal of the summons, stating: "Motion to dismiss. DOS did not meet their burden of connecting the loose trash bags to

the respondent.”

NYC Administrative Code §16-120(A) requires that receptacles be made of metal or other materials of a grade and type acceptable to the Department of Health and Mental Hygiene and to the Department of Housing Preservation and Development. The Rules of the City of New York (RCNY) further expound on the types of permitted receptacles. 16 RCNY 1-02.5 states in pertinent part that effective 11/12/24, “all buildings that receive Department collection . . . or collection from another city agency, other than residential buildings containing ten or more dwelling units, must set out any refuse at the curb for collection by the Department or another city agency in rigid receptacles with tight fitting lids.”

After review of the summons, I find that the summons is facially sufficient and sets out a prima facie case of the violation. Respondent’s representative put forth that the Department of Sanitation did not meet their burden of connecting the trash observed to Respondent. However, the IO stated in the summons that the bags the IO observed were in “front of 132-05 Avery Avenue” in Queens. The IO issued the summons to the owner of 132-05 Avery Avenue. There is a reasonable inference that garbage emanates from the premises in front of which it is observed, which is sufficient to establish a prima facie case of this violation and which may be refuted by Respondent with credible evidence. See, e.g., *DSNY v. Ebrahim Realty, Inc.*, Appeal No. 1900185 (May 2, 2019). I find that the summons is facially sufficient.

I credit the IO’s affirmations in the summons that the IO observed garbage out for collection in bags and not in rigid receptacles with tight-fitting lids at 132-05 Avery Avenue on 8/4/25. I note that Respondent provided no evidence to evince that the bags did not belong to Respondent or to otherwise refute the allegations. 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