



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Micahel Nacmias, Esq. 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 049317770H 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
049317770H	Sustained	08/08/2025	132-05 Avery Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASA9	16-120 (C)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

On 8/8/25, at 4:47 p.m., Respondent was issued a summons for a violation of NYC Administrative Code §16-120(C) for having garbage out too early on the day before collection. The Investigating Officer (IO) stated that the IO observed many 30-gallon plastic bags placed out on the public sidewalk prior to 6 p.m. on the day before collection in "front of 132-05 Avery Avenue" in Queens. The IO noted that collection days are Wednesdays for this multiple dwelling property.

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 trash that was observed to the respondent.”

NYC Administrative Code §16-120(C) requires that refuse receptacles set out for collection be put out for collection only at the appropriate time. 16 RCNY 1-02.1 explains that receptacles with tight-fitting lids should not be placed out in advance of 6 p.m. the night before a scheduled garbage collection.

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 many 30-gallon plastic bags the IO observed were in “front of 132-05 Avery Avenue.” 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 plastic bags out for collection in advance of 6 p.m. in front of 132-05 Avery Avenue on 8/8/26. I note that Respondent provided no evidence to 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