



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: 049481297X et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- YEE DECHANG Hearing Date: 03/05/2026 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
049481297X	Sustained	10/11/2025	132-05 AVERHY 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

MICHAEL NACMIAS, ESQ., authorized representative for Respondent LEE DECHANG, appeared by online submission (marked Resp. Exh. A in evidence) and asked that this summons be dismissed.

On 10/11/2025 at 8:20AM in front of 132-05 Avery Avenue, Queens, the Petitioner issued the summons to Respondent charging that Respondent violated AC § 16-120(a) (improper receptacle, fail to containerize) because the issuing officer (IO) set forth s/he observed refuse placed out for collection in bags, and not in rigid receptacles with tight fitting lids or other means authorized by DSNY. Such property contains 1 to 9 dwelling units and is described as Residential Properties.

The representative stated that the summons does not establish that the respondent failed to provide or use rigid receptacles with tight-fitting lids, nor that the bags observed were placed by the respondent. The observation alone is insufficient to prove a violation of §16-120(a), and the summons should be dismissed.

As of November 12, 2024, all New York City properties with 1-9 residential units must use a bin (55 gallons or less) with a secure lid for trash.

I do not credit the response of the representative. I credit the details of the summons which are sufficient to establish a violation of the cited section of the Code and I credit the observation of the IO as stated. There is an inference that the observed bags came from the cited premises, which is not rebutted by the representative who writes from another address and has not established a basis of knowledge of the condition at the cited premises on the day the summons was issued.

I find that the facts were not denied or rebutted, and a defense was not established.

Accordingly, the violation is SUSTAINED. I impose the correct penalty of \$50.

	
03/05/2026	03/05/2026
Dale Berson, Judicial Hearing Officer	Date