



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 049291709X et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- YEE DECHANG Hearing Date: 03/04/2026 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
049291709X	Sustained	10/08/2025	132-05 AVERY AVENUE FLUSHING NY 11355 Queens

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

Findings of Fact & Conclusions of Law

I find Respondent in violation of the charge.

Petitioner, the New York City Department of Sanitation (DSNY), did not appear. ☐ An attorney represented Respondent via electronic submission.

Petitioner alleges that Respondent violated Administrative Code § 16-120(a). Specifically, on October 8, 2025 at 8:09 AM, at the place of occurrence, the inspector observed refuse placed out for collection in bags and not in rigid receptacles with tight-fitting lids or other means authorized by DSNY. The summons also states that the property contains 1 to 9 residential

dwelling units.

Admin. Code § 16-120(a)(1) requires that receptacles for refuse be made of metal or other material acceptable to the Department. In addition, 16 RCNY § 1-02.5(b) requires that buildings with 1 to 9 dwelling units set out refuse for collection in rigid receptacles with tight-fitting lids.

Respondent's attorney moves to dismiss, arguing that the summons does not establish that Respondent failed to provide or use rigid receptacles with tight-fitting lids, and that the observation alone is insufficient to prove a violation. He also argues that the summons does not establish that the bags observed were placed by Respondent.

I credit the inspector's affirmed statement that refuse was placed out in bags and not in rigid receptacles with tight-fitting lids. An affirmed summons constitutes prima facie evidence of the stated facts. The burden then shifts to Respondent to submit evidence to either refute the allegations or provide a defense.

I do not credit Respondent's representative's argument that the summons is insufficient. The summons does not have to identify who physically placed the bags on the curb. Under the Code, the property owner is responsible for ensuring that refuse is set out properly, regardless of who actually placed it there.

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

F Savich

03/04/2026

03/04/2026

Faina Savich, Judicial Hearing Officer

Date