



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: 049291707M et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- YEE DECHANG Hearing Date: 02/27/2026 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
049291707M	Sustained	10/04/2025	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

Respondent appeared by its attorney, Michael Nacmias, to answer a summons alleging a violation of NYCAC 16-120 (a). No appearance by Petitioner. The Issuing Officer observed 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 1-9 residential dwelling units.

Mr. Nacmias stated via electronic submission that the summons should be dismissed as DSNY did not meet its burden of proving the observed bags belonged to the Respondent.

Pursuant to Code § 16-120(a), a premises owner or other person who manages or controls a building or dwelling shall provide

and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage.

Petitioner established the violation through the IO's affirmed statements on the summons. See 48 RCNY § 6-12(b) ("[i]f the summons is sworn to under oath or affirmed under penalty of perjury, the summons will be admitted as prima facie evidence of the facts stated therein"). Once Petitioner established its case, the burden of proof then shifted to Respondent to refute the charge or establish a defense. See 48 RCNY § 6-12(a).

The Respondent has not refuted the allegation in the summons or established any defenses thereto. The summons is, therefore, sustained.

	
02/27/2026	02/27/2026
Yasmine Rachou-Gargiulo, Judicial Hearing Officer	Date