



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: 049413222R 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
049413222R	Sustained	10/04/2025	132-05 AVERY AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPM	16-120 (A)(2)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Respondent appears by its attorney, Michael Nacmias, to answer a summons indicating a violation of NYAC 16-120 (a) (2). The Issuing Officer observed refuse placed out for collection on the public sidewalk in a receptacle that does not minimize rodent access and harborage. Building is required to comply with Local Law 111 of 2022. The premises is identified as a 1-2 Family.

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

Code § 16-120(a)(2) applies after two violations have been found within a twelve-month period with respect to the cited premises of both § 151.02(a) of the New York City Health Code (HC), found in Title 24 of the Rules of the City of New York, and Housing Maintenance Code § 27-2017.4, found in Title 27 of the Code, relating to the presence of rats. At that time, following notification by Petitioner, a property owner is required to use metal receptacles with tight-fitting lids "of a material or design approved by" Petitioner, the Department of Health and Hygiene, and the Department of Housing Preservation and Maintenance "to minimize rodent access and harborage."

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