



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: 0221036934 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- NET ZERO BUILD INC Hearing Date: 02/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0221036934	Dismissed	10/02/2025	1636 11th Avenue and Sherman Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Nacmias for Respondent, NET ZERO BUILD INC and Wilda Gomez, representative for NYPD Traffic appeared for a hearing by telephone on February 5, 2026.

Respondent is charged with a violation of §19-121(a) of the Administrative Code of the City of New York (Code) for placing construction equipment on the street without a valid DOT permit. The summons states that Respondent obstructed the street with a construction container without a valid permit.

At the hearing, Petitioner relied on the summons and presents photos of the violating condition. Respondent's representative

argues that there was a permit in place allowing for a container to be placed on the street. Respondent presents the valid DOT permit as evidence. In the purpose section of the permit it states: Place container on the street. Petitioner's representative states that Respondent took out the wrong permit, they had to take out a commercial refuse container permit.

The cited law states:

Permit. It shall be unlawful for any person to obstruct, or cause to be obstructed, any portion of a street with construction materials or equipment, unless authorized by a permit issued by the commissioner.

I credit Respondent's evidence that they had a permit for the cited container. The law does not differentiate between a construction container or a commercial refuse container. The permit does not differentiate between these two containers. Therefore, I find that as Respondent had a valid permit to store a container on the street, the violating condition did not exist. Therefore, this summons is dismissed.



02/17/2026

02/17/2026

Amita Rodriguez, Judicial Hearing Officer

Date