



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Appeals Division

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Appeal No. 2600266

**DSNY v. Deblasi, Carri L &
Deblasi, Joseph, Anthony**

April 30, 2026

Appeal Decision

The appeal of Respondents, vehicle owner and vehicle operator, respectively, is **granted**.

Respondents appeal from two recommended decisions by Judicial Hearing Officer (JHO) K. Lawner, dated February 13, 2026, each sustaining a violation of § 16-119 of the Administrative Code of the City of New York (Code) for illegal dumping. Having fully reviewed the record, the Board finds that the JHO's decisions are not supported by the law and a preponderance of the evidence.

Summons	Law Charged	Hearing Decision	Appeal Decision	Penalty
49485887Y (87Y)	Code § 16-119	In Violation	Reversed – Dismissed	\$0
49485888X (88X)	Code § 16-119	In Violation	Reversed – Dismissed	\$0

In the summonses, the issuing officer (IO) affirmed that a complainant observed on January 16, 2026, in front of 858 Rossville Avenue, Staten Island, as follows.

- Summons 87Y – occupants of 2025 black Nissan SUBN NY license plate # LUH2047 unlawfully dump [a]pproximately one cubic yard[] of black bag, grey bag, and wood[] into a dumpster from [t]he driver side . . . of the above described vehicle.
- Summons 88X – Respondent did admit to being the operator of a 2025 black Nissan SUBN NY license plate # LUH2047 and did unlawfully dump [a]pproximately one cubic yard[] of black bag, grey bag and wood from [t]he driver side into a dumpster at the above location with no permits to do so.

At a consolidated telephonic hearing, held on February 13, 2026, the IO testified as follows. The IO reviewed complainant's videos, which showed the vehicle operator exit a vehicle and discard the cited materials into a private dumpster without permits or authorization. Upon conducting a vehicle stop, the vehicle operator gave conflicting explanations about why he discarded the materials into the dumpster and admitted that he did not live at the cited location. In support, the IO submitted the complainant's videos and still images taken from the video. Respondents' attorney argued as follows. Code § 16-119 applies to dumping materials on the street, sidewalk, or other open area, and does not apply to use of a private dumpster, which is a legal receptacle

Panel: 4/30/2026
Atty: HT/1375

Date Mailed:
Refund: \$8,000

for garbage. Disposal of the materials into the dumpster might have violated a different section of the Code, but this act did not meet the criteria for illegal dumping. In response, the IO asserted that the omission of the word “dumpster” in the statute did not limit Petitioner from issuing violations of Code § 16-119 under the facts of the instant summonses.

In the decisions sustaining the violations, the JHO, relying on *NYC v. Thomas Turner*, Appeal No. 0900474 (January 21, 2010), found that Code § 16-119 was applicable because Respondents disposed of bags into a dumpster on private property.

On appeal, Respondents’ attorney argues as follows. Code § 16-119 does not apply to disposal of waste into a dumpster. Code § 16-119 only mentions open spaces where disposal of garbage is never allowed. A dumpster qualifies as a “stationary on-street container,” as defined in Code § 16-114.2(a). The IO could have charged Code § 16-120(e)(1) for depositing household waste in a public litter basket, which is closer to a dumpster than “sidewalk, street, lot, park, public place,” and other areas listed in Code § 16-119. The JHO erred in relying on *Thomas Turner*, 0900474, as that decision involved dumping into a dumpster and onto the street and did not address whether discarding refuse into the dumpster established the Code § 16-119 violation. Petitioner, the Department of Sanitation (DSNY), did not answer the appeal.

The Board reverses the JHO’s decisions. Code § 16-119(a) provides:

It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any amount of dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned.

Here, Respondents’ attorney did not dispute the IO’s allegations but argued that Code § 16-119 only prohibits the deposit of waste onto open spaces where disposal of garbage is never allowed and not disposal of waste into dumpsters. At the hearing, the IO asserted that the omission of the word “dumpster” in the statute did not limit Petitioner from issuing violations of Code § 16-119 under the facts of the instant summonses. However, Petitioner’s interpretation is in violation of a longstanding rule of statutory construction. Under the legal canon of *ejusdem generis* (of the same kind, class, or nature), when general words follow specific words in a statute in which several items have been enumerated, the general words are construed to embrace only objects similar in nature to the objects enumerated by the

preceding specific words of the statute. See Black's Law Dictionary 54 (9th ed. 2009). Here, the specific words "sidewalk, street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway" are sufficiently different in nature from a dumpster that the general words "or other area" are not reasonably inferred to embrace it. Further, the locations specified by the statute are open areas where dumped debris could scatter or cause an obstruction, unlike a closed container such as a dumpster. Consequently, the Board finds that Code § 16-119 does not apply to the disposal of the debris into a container provided for the exclusive use of a building or dwelling.¹

Accordingly, the Board reverses the JHO's decisions and dismisses the summonses.

By: OATH Appeals Division

¹ The Board notes that in *Thomas Turner*, 0900474, the Board did not reach the issue of whether Code § 16-119 prohibited disposal of waste and construction debris into a dumpster, as it credited Petitioner's evidence that such debris was dumped on the private property next to the dumpster.