



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Nacmias Law Firm - Chia Han Lin
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000818973P et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

CERTIFIED LUMBER CORPORATION

Hearing Date : 11/6/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000818973P	Sustained	08/07/2023	251 FRONT STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

The summons states that there are two prior violations, in summonses "000674131Z" and "0007705281N."

Both parties attended a telephonic hearing on Wednesday, November 6, 2024. Dantney Parks appeared for Petitioner. Chia Han Lin appeared for Respondent and waived the presence of the Issuing Officer.

Respondent did not challenge the merits, but argued that both alleged prior violations were not valid. One prior summons ending in 31z was issued to a different entity, "Boro Park Certified Lumber & Home Center." The other prior summons ending in 81N could not be found on the ECB Ticket Finder website.

Ms. Parks argued that Respondent, Certified Lumber Corporation, is operating under one umbrella, and as such, Certified Lumber Corporation is considered a same entity as "Boro Park Certified Lumber & Home Center," a respondent in summons ending in 31z. The correct number of other summons ending in 81n should be 000705281N.

In rebuttal, Mr. Lin argued that the number of summons ending in 81n is different from the number on Ms. Parks's screenshot. Boro Park Lumber & Home Center is a different entity than Respondent.

In rebuttal, Ms. Parks testified that she knew that Respondent, Boro Park Lumber & Home Center, and Boro Park Certified Lumber & Home Center are one entity.

Mr. Lin argued that Ms. Parks's testimony was speculation.

Without any corroborating evidence, I am not able to credit Ms. Parks's testimony about the relationship among Respondent, Boro Park Lumber & Home Center, and Boro Park Certified Lumber & Home Center. I credit the summons details about the violation. However, the summons failed to state that two prior violations were issued to Respondent. As such, Petitioner stated a prima facie case of a first-offense violation. I'm convinced by Respondent's arguments in its challenge of the two prior violations. Respondent failed to refute the allegations or establish a defense.

Accordingly, the summons is sustained, and a statutory civil penalty of \$350 is imposed.



11/06/2024

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Geoffrey Luan, Hearing Officer

Date