



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: 000830190K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER CORP Hearing Date: 01/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$350.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830190K	Sustained	08/31/2023	807 CLASSON AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

A remote hearing was held on 1/30/25. Petitioner Department of Environmental Protection appeared by its representative Leah Smith. Respondent appeared by its authorized representative Mabel Oghojafor. Petitioner alleged Respondent violated AC 24-163(f).

Petitioner presented two photos of the truck, the citizen's complaint and a map showing the location of the school. Petitioner's Exhibits 1-4. Petitioner also presented a video that was longer than one minute.

The truck is parked on the right hand side of the street. The engine is audible. The truck is parked right by the school. The

video goes around to the back of the truck. There is no processing equipment in use. It does not look like any loading or unloading is taking place. The video is longer than one minute.

Respondent argued that the truck was making a delivery and exempt from the statute.

I find Respondent in violation. There is no processing equipment being used. I impose the penalty of \$350.00.

William Chen

02/06/2025

02/06/2025

William Chen, Hearing Officer

Date