



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

NACMIAS LAW FIRM PLLC - MABEL OGHOJAFOR 592 Pacific Street Brooklyn, NY 11217	Summons# : 000834346X et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER LLC Hearing Date : 1/28/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 350.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000834346X	Sustained	02/14/2024	5 West 47 Street, Manhattan

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

Petitioner, the New York City Department of Environmental Protection, charges Respondent, CERTIFIED LUMBER CO, with a violation of Section 24-163 of the New York City Administrative Code for idling of a motor vehicle engine for longer than three minutes. The charge arose from a citizen's observation of a bus, with NY license plate # 35805PF (the "vehicle"), on February 14, 2024, at 5 West 47th Street, New York County. The summons states that Respondent caused or permitted the vehicle's idling while parked, standing, or stopped from 1:31 p.m. to 1:35 p.m.

Both parties attended a telephonic hearing on Tuesday, January 28, 2025. Dantney Parks appeared for Petitioner. Mabel Oghojafor appeared for Respondent, and waived an Issuing Officer's appearance.

Petitioner presented a redacted NYC Citizen Idling Complaint, a printout of a webpage indicating the vehicle's ownership information, two photos depicting various portions of the cited vehicle, (collectively, "P1"), and a video in support.

Ms. Oghojafor reviewed Petitioner's evidence and video, and denied the allegation without making a rebuttal argument.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping unless the engine is used to operate a loading, unloading, or processing device.

Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the summons details, affirmed by the Officer under penalty of perjury that the Officer verified Respondent's vehicle idled for longer than the statutorily allowed period at the cited date, time, and location based on a review of DEP records, was sufficient to establish Petitioner's prima facie case. See DEP v. Edge Auto, Appeal No. 2301007 (October 26, 2023), see also DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019).

I credit the summons details and Petitioner's evidence. Petitioner stated a prima facie case. In the absence of probative evidence to contest Petitioner's case, Respondent failed to refute the allegation or establish a defense.

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

	
01/29/2025	01/29/2025
Geoffrey Luan, Hearing Officer	Date

