



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: 000836703Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER LLC Hearing Date: 06/16/2025 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
000836703Y	Sustained	11/29/2023	757 Nostrand Avenue Brooklyn

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

Findings of Fact & Conclusions of Law

Respondent, Certified Lumber LLC, is charged with violating NYC Administrative Code Section 24-163, Idling of motor vehicle engine for more than 3 minutes – 1st offense, for a Truck with NY License Plate # 64279MB observed on November 29, 2023, from 1:39 p.m. to 1:44 p.m., at 757 Nostrand Avenue, in Brooklyn, New York.

Section 24-163 states that "No person shall or permit the engine of a motor vehicle...to idle for longer than three minutes..." Section 24-163 (f) provides for exceptions when the engine is used to operate a processing device, for mechanical work, or to maintain appropriate temperature for passenger comfort.

At the hearing, John McLaughlin represented Petitioner, NYC Department of Environmental Protection. Michael Sargo, Esq., represented the Respondent, Certified Lumber LLC.

Mr. Sargo stated that he had reviewed Petitioner's evidence provided to him before the hearing. Respondent denies the violation and offers no rebuttal evidence or defense.

I find that Petitioner's evidence established the violation of the cited Code and Respondent did not present any evidence or defense.

Accordingly, this summons is Sustained.



06/19/2025

06/19/2025

Date

Eva Marie Russo-Lane, Hearing Officer