



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: 000690579R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- SCF MANAGEMENT LLC 568 BROADWAY PROPERTY LLC ATTN Hearing Date: 03/05/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000690579R	Sustained	07/22/2024	568 Broadway Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BABB	24-123 (D)	Sustained	\$1,600.00

Findings of Fact & Conclusions of Law

Mabel Ogbojafor appeared for Respondent 568 Broadway Property LLC Attn. SCF. John McLaughlin appeared for Petitioner DEP.

The summons alleges that on 7/22/24 Respondent failed to renew the Certificate of Operation for fuel burning equipment under

application #CA114681 between 45 and 120 days prior to the expiration date of 5/22/21 in violation of NYCAC section 24-123(d) at 568 Broadway, NY, NY. Previous summons issued on 11/18/22 (#000685139R).

Petitioner rested on the summons and provided supporting documentation showing that the previous summons had been found in violation after an OATH hearing on 6/7/23 (See Pet. Ex.).

Ms. Ogbojafor stated that the Respondent had made compliance efforts. The registration fee had been paid and reinspection requested. Petitioner stated that while the Respondent was in the beginning stages of obtaining a Certificate of Operation, on the date of occurrence the equipment was still being operated without the required registration.

I credit the IO's statements. Respondent has not rebutted the charge. Accordingly, the summons is sustained as a second offense, and the statutory penalty amount imposed.

	
03/12/2025	03/12/2025
Lara Bianchi, Hearing Officer	Date