



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: 000602849P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- SAHARA CONTRACTING CORP Hearing Date: 06/02/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$875.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000602849P	Sustained	03/20/2024	5614 3 Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BN14	A.C. 24-220(A)	Sustained	\$875.00
2	BN17	A.C. 24-220(C)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A hearing was conducted by telephone on June 2, 2025. Michael Nacmias, Esq. appeared for the respondent. Antwan Gibbs appeared for the petitioner. The summons alleged a violation of New York City Admin. Code secs. 24-220(a) and 24-220(c) in that the respondent engaged in construction activity with the use of a crane without first obtaining a noise mitigation plan; the respondent also failed to keep a copy of such plan on site for inspection. The petitioner presented an evidence packet that included photographs of the job site. The respondent denied the allegations without rebuttal and made a motion to dismiss the

24-220(c) charge, arguing that the respondent could not have failed to maintain a copy of a noise reduction plan if it never had one to begin with. The petitioner joined in the respondent's motion to dismiss. The motion to dismiss the 24-220(c) charge is granted. I credit the petitioner's evidence and the summons allegations. The summons is upheld as to the 24-220(a) charge, and a penalty of \$875 is imposed.



06/03/2025

06/03/2025

Chin Ho Cheng, Hearing Officer

Date