



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: 000789305J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- GALEO PROVISIONS INC Hearing Date: 12/31/2024 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
000789305J	Sustained	07/12/2023	602 CATON AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared to represent Galeo Provisions Inc. at the hearing. Inspector Antwan Gibbs appeared for Petitioner.

Inspector Gibbs offered into evidence a 4 minute 19 second video allegedly showing Respondent's truck idling for more than 3 minutes. In addition, Inspector Gibbs offered into evidence photos of the truck, a New York State DMV search for Respondent and a redacted idling complaint form. Pet. Exh. 1. Inspector Gibbs detailed Petitioner's submissions and stated they establish Petitioner's case.

Respondent's counsel offered a copy of a company snapshot from Safer website identifying Respondent as A Galeo Provisions Inc. Resp. Exh. A. Respondent's counsel stated that the name identified on the summons is incorrect as the correct name is A Galeo Provisions Inc. rather than Galeo Provisions Inc. Respondent's counsel then stated that the refrigeration unit for the truck was on and that the truck is connected to the refrigeration unit.

I credit Petitioner's submissions. I find that Respondent was correctly identified by Petitioner's New York State DMV search, that the address for Respondent's company listed on the snapshot matches the Respondent's address on the DMV search and the A is not present in the summons in a de minimus error. While I acknowledge Respondent's argument that the truck needs to idle for the refrigeration unit to work, I find Respondent did not present a legal defense to the violation, provide an exception to the violation or rebut Petitioner's charge that the refrigeration unit was not in use during the duration of the 4:19 video. Accordingly, the violation is sustained with the standard penalty imposed.



01/07/2025

01/07/2025

Malik Pearson, Hearing Officer

Date