



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: 051009696X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- THE AVONOVA Hearing Date: 02/27/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$6,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
051009696X	Sustained	06/04/2024	219 West 81st St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BX51	15RCNY 1-102(D)	Sustained	\$1,500.00
2	BX5Z	15RCNY 1-102(B)	Sustained	\$3,000.00
3	BXFK	15RCNY 1-92(A)(2)	Sustained	\$1,500.00

Findings of Fact & Conclusions of Law

Respondent THE AVONOVA appeared by authorized representative, Lima Babu and petitioner, NYC Dept. of Environmental Protection ("DEP") appeared by its counsel, Tevin Grant

For item 1:

The SUMMONS alleged a violation of 15 RCNY Section 1-102(D) for the failure to bag ACM directly upon detachment from substrate.

Ms. Babu stated that there was no dispute in fact and accepted the stipulated penalty

Mr. Grant submitted the agreement (Exh. 1).

I credit the allegations and find they support a violation of the cited section of law . I find there was no dispute in the factual allegations. I find no valid defense was presented.

Accordingly, I sustain the SUMMONS, and I impose the mandatory stipulated penalty of \$1,500.00.

For item 2:

The SUMMONS alleged a violation of 15 RCNY Section 1-102(B) for the failure to wet down ACM for enhanced penetration.

Ms. Babu stated that there was no dispute in fact and accepted the stipulated penalty

Mr. Grant submitted the agreement (Exh. 1).

I credit the allegations and find they support a violation of the cited section of law . I find there was no dispute in the factual allegations. I find no valid defense was presented.

Accordingly, I sustain the SUMMONS, and I impose the mandatory stipulated penalty of \$3,000.00.

For item 3:

The SUMMONS alleged a violation of 15 RCNY Section 1-192(a)(2) for the failure to sign the log book.

Ms. Babu stated that there was no dispute in fact and accepted the stipulated penalty

Mr. Grant submitted the agreement (Exh. 1).

I credit the allegations and find they support a violation of the cited section of law . I find there was no dispute in the factual allegations. I find no valid defense was presented.

Accordingly, I sustain the SUMMONS, and I impose the mandatory stipulated penalty of \$1,500.00.

Linda Agoston

02/27/2026

02/27/2026

Linda Agoston, Judicial Hearing Officer

Date