



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: 000603888M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CITYWIDE CONTAINER SERVICES Hearing Date: 02/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$400.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000603888M	Sustained	08/05/2024	153 West 51st St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA31	24-146 (B)	Sustained	\$400.00

Findings of Fact & Conclusions of Law

Respondent, CITYWIDE CONTAINER SERVICES, appeared by its authorized representative, Michael Anthony Sargo, and petitioner, NYC Dept. of Environmental Protection ("DEP") did not appear

The SUMMONS alleged a first offense violation of § 24-146(b) of the Administrative Code of the City of New York for allowing dust to become airborne.

Mr. Sargo stated that his client disputed the allegations and that he could not rebut the prima facie case and waived the submission of evidence.

I credit the allegations and find they support a violation of the cited section of law. I do not credit the dispute in fact and Respondent's representative did not present a defense.

Accordingly, I sustain.



02/26/2025

02/26/2025

Linda Agoston, Hearing Officer

Date