



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. 592 Pacific Street, 1st flr. Brooklyn, NY 11217	Summons No: 000922570K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PRO-TEK SERVICES Hearing Date: 09/23/2025 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
000922570K	Sustained	07/24/2024	505 WEST 29 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA11	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Micheal Sargo, Esq. appeared on behalf of Respondent Pro-Tek Services.

Inspector Leah Smith appeared on behalf of Petitioner Dept. of Environmental Protection.

Petitioner charges AC 24-163(f). Petitioner alleges the respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped adjacent to Bright Horizons at 529A West 29th St. According to DEP records, a citizen observed a truck, IN license plate no. 41704NE idling for more than 1 minute. 1st offense.

Inspector Smith produced 2 photographs of the license plate and side of the vehicle with the company name, redacted idling complaint and a video to show idling with no processing devices in use in support.

Mr. Sargo states respondent denies the allegation because petitioner has failed to show the idling occurred adjacent to a school. In response, Inspector Smith produced a map to show the location of the school in relation to respondent's vehicle at the time of the summons. Mr. Sargo did not produce any evidence to further rebut petitioner's evidence.

I credit respondent's evidence but this it does not establish a valid defense. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard violation penalty of \$350.00 is imposed.

Deborah Mbabazi

09/26/2025

09/26/2025

Deborah Mbabazi, Hearing Officer

Date