



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000921600H et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PRO-TEK OF NEW YORK

Hearing Date : 9/18/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000921600H	Sustained	02/07/2025	11 WEST 40 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	350.00

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

Petitioner appeared through Inspector Andy Guzman. Respondent appeared through authorized representative Nicole Brown.

Summons 000921600H charged a violation of Administrative Code 24-163(f), prohibiting the idling of a motor vehicle engine for longer than 1 minutes next to Bryant Park. A citizen observed a truck with NY license plate 83054MJ idling from 11:42:43 am to 11:44:04 am on 2/7/2025 at 11 West 40th Street.

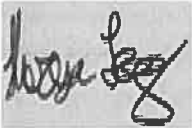
This was charged as a first offense.

In support of the summons, Petitioner played a video that was viewed during the hearing, and submitted the summons with service (Exhibit 1), the citizen complaint (Exhibit 2), and photographs (Exhibit 3).

Respondent denied the charge, but offered no rebuttal.

The issuing officer's affirmed statement established a prima facie case of the violation. See 48 RCNY § 6-12(b). The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense. See 48 RCNY § 6-12(a).

As Respondent has offered no rebuttal, the summons is sustained as a first offense.

	
09/18/2025	09/18/2025
Theresa Leary, Hearing Officer	Date

