



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: 000921754K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PRO-TEK OF NEW YORK Hearing Date: 09/18/2025 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
000921754K	Sustained	09/03/2024	517 WEST 30 STREET Manhattan

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

Findings of Fact & Conclusions of Law

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

Summons 000921754K charged a violation of Administrative Code 24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. A citizen observed a truck with NY license plate 83054MJ idling from 10:45:11 AM TO 10:48:38 AM on 9/3/2024 at 517 West 30th 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

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Theresa Leary, Hearing Officer

Date