



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                          |                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chia-Han Lin - Nacmias Law Firm, PLLC</b><br>592 Pacific Street<br>New York, NY 11217 | <b>Summons No: 000816069H et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>MONKEY WRENCH REPAIRS</b><br><br><b>Hearing Date: 12/10/2024</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$0.00</b>          |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 000816069H       | Dismissed                  | 08/08/2023                | 885 Dean Street Brooklyn   |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BA1I                 | 24-163 (F)                   | Dismissed     | \$0.00         |

**Findings of Fact & Conclusions of Law**

The hearing was conducted via telephone conference call on December 10, 2024.

Chia Han Lin appeared as authorized representative for respondent MONKEY WRENCH REPAIRS. Michael Grosso appeared on behalf of petitioner DEP.

The summons charges AC 24-163(f), idling of a motor vehicle engine for longer than one minute while adjacent to a school as a first offense. The Complaint indicates that on August 8, 2024, the respondent's truck was idling for longer than one minute at 885 Dean Street adjacent to GOTHAM PROFESSIONAL ARTS ACADEMY in Brooklyn.

Mr. Grosso provided three photographs a Redacted Citizen Idling Complaint, an annotated Google Maps image and a video in support.

Mr. Lin moved to dismiss the Summons a Google image screen shot to establish where the entrance of the school is located, and Appeal No. 2300129 DEP v. The Salvation Army June 29, 2023, which included the language from 15 RCNY § 39-02, defining "Adjacent to any Public or Non-Public School," provides as follows: "Adjacent" shall mean on each and every street on which a school is located and has entrances and/or exits to such street..."

I find petitioner has established a prima facie case based on the facts alleged in the Summons. I also credit the evidence of respondent and find the cited location has neither an entrance nor an exit for the school and therefore fails to mee the definition of adjacent.

Accordingly, the Summons is dismissed.



12/19/2024

12/19/2024

**William Ross, Hearing Officer**

**Date**