



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000815908P et al. (2 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

BEST SUPER CLEANING LLC

Hearing Date : 1/6/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 700.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000815908P	Sustained	07/12/2023	202 Front Street, Brooklyn

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000815911X	Sustained	07/12/2023	251 Front Street, Brooklyn

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

The hearing was conducted by telephone via Court Call on January 6, 2025. Dantney Parks represented Petitioner. Respondent appeared through authorized representative Lance Chebin. Summonses 000815908P and 000815911X were consolidated for hearing.

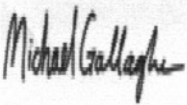
Each summons charges a violation of Administrative Code (Code) § 24-163 for idling of a motor vehicle engine for more than three minutes.

In Summons 000815908P, the issuing officer (IO) affirmed per Department of Environment Protection Records that a citizen observed the truck identified in the summons idling for longer than three minutes on July 12, 2023 at 202 Front Street. Petitioner relied on the summons. Respondent submitted no evidence in opposition.

In Summons 000815911X, the IO affirmed per Department of Environment Protection Records that a citizen observed the truck identified in the summons idling for longer than three minutes on July 12, 2023 at 251 Front Street. Petitioner relied on the summons. Respondent submitted no evidence in opposition.

Code § 24-163(a) prohibits the idling of a motor vehicle engine in excess of three minutes while parked, standing, or stopped. Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), a summons affirmed under penalty of perjury will be admitted as prima facie evidence of the facts stated therein. See DEP v. Citnalta Construction Corp., Appeal No. 2201191 (February 23, 2023); DEP v. TM & T Service Station Inc., Appeal No. 1901827 (March 19, 2020). Here, the IO affirmed on each summons that the IO verified the idling of Respondent's truck for more than three minutes at the cited date, time, and location based on review of DEP records. I credit the IO's affirmed statements and find that each summons was sufficient to establish Petitioner's prima facie case. See DEP v. Citnalta Construction Corp., Appeal No. 2201191 (February 23, 2023); DEP v. TM & T Service Station Inc., Appeal No. 1901827 (March 19, 2020). For each summons, Respondent provided a denial, which is insufficient to rebut Petitioner's prima facie case, and offered no rebuttal.

Each summons therefore is sustained.

 01/06/2025 01/06/2025	
Michael Gallagher, Hearing Officer	Date

