



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: 000728617J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- QUALITY REPLACEMENT Hearing Date: 01/27/2025 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
000728617J	Sustained	07/27/2022	ON MONTAGUE STB BETWEEN HENRY ST Brooklyn

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

Findings of Fact & Conclusions of Law

MABEL OGHOJAFOR, law clerk, appeared at the remote hearing for respondent. Dantney Parks appeared for petitioner.

Ms. Parks introduced documentary evidence in the form of the idling complaint and photographs and video of the cited vehicle idling (see Exhibits P1-P4). Ms. Parks noted that she heard consistent humming from the vehicle's engine throughout the three-minute plus video.

Ms. Oghojafor noted, after viewing the video, that she couldn't hear the engine and doesn't see gas coming out of the tailpipe, nor anyone in the vehicle.

I credit the documentary evidence provided by petitioner and find that based on the video and the civilian complainant's affirmation, which includes the following statement: "Engine is clearly audible in the video, and I also personally was clearly able to hear the engine and can state with certainty that I wasn't mistaking it for other street noises." (Exhibit P1 and P4), the cited vehicle was idling for more than three minutes parked without using its engine to operate a loading, unloading or processing device. As Respondent has not established an affirmative defense to the charge, the summons is sustained and a standard penalty is applied.

Christina Barba

02/06/2025

02/06/2025

Christina Barba, Hearing Officer

Date