



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo 592 Pacific Street Brooklyn, NY 11217	Summons No: 000603889Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- THE PAY-O-MATIC CORP Hearing Date: 09/23/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$400.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000603889Y	Sustained	08/08/2024	West 72nd St. & Amsterdam Ave. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA08	24 -112	Sustained	\$400.00

Findings of Fact & Conclusions of Law

Michael Sargo, Esq. appeared on behalf of Respondent Pay O Matic Corp.

Insp. Leah Smith appeared on behalf of Petitioner, Dept. of Environmental Protection.

Petitioner charges AC 24-112. Making/filing false or misleading statements/documents. Petitioner alleges as per citizens complaint, respondent attached an unauthorized placard "Armored truck exempt from NYC idling regulations" to their vehicle in order to avoid AC 24-163 idling violations. Petitioner states "no person shall make, reproduce, alter or cause to be made, reproduced or alter a work permit, certificate of operation or other document issued by the commissioner or required by this

code if the purpose of such reproduction or alteration is to evade or violate any provision of this code or any other law."

Inspector Smith produced 2 photographs, Citizens Air Complaint Form dated 8/8/24 and video to show the sound of idling. She explained that even if the respondent had been issued a sticker by the Dept. and it was still valid, it would only give limited idling privileges in that certain activities must be happening at the same such as picking up and uploading passengers. The sign is misleading because it appears to allow idling under all circumstances. Further, while "Rapid Armored Corp." is the stated on the outside of the vehicle, it is registered to respondent, Pay O Matic Corp.

Mr. Sargo states respondent denies the allegation. He admits respondent's sticker allowing idling privileges expired 3 months prior to the date of the summons. He produced a notarized affidavit from respondent stating the vehicle transports sums of money and its security system requires idling. In addition, he produced specifications for the vehicle and a letter from the respondent to show the relationship between respondent and Rapid Armor.

Inspector Smith reiterates that not only had the sticker expired but even if it was valid, it was misleading because it appears to give respondent unlimited privileges to idle.

I do not credit respondent's evidence and find it does not establish a valid defense. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard penalty of \$400.00 is imposed.

DL Mbabazi

09/26/2025

09/26/2025

Deborah Mbabazi, Hearing Officer

Date