



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000604012M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RAPID ARMORED CORPORATION Hearing Date: 12/30/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$400.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604012M	Sustained	08/23/2024	603 Myrtle Ave. Brooklyn

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

Findings of Fact & Conclusions of Law

This telephone hearing was held on December 30, 2024. Petitioner, NYCDEP, appeared by Representative Leah Smith. Respondent, Rapid Armor Corporation, appeared by Lance Chebin, Authorized Representative. He waived translation services, counsel and the appearance of the Issuing Officer (IO).

This summons alleges a violation of NYC Administrative Code § 24-112 (False and misleading statements). The summons states that as per citizen's complaint-Respondent attached an unauthorized placard "Armored truck exempt from NYC Idling regulations" to their vehicle in order to avoid §24-163 idling violations. §24-112(b) No person shall make, reproduce or alter or cause to be made, reproduced or altered a permit, certificate 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.

Ms. Smith relied on the sworn statements of the IO in the summons, and she submitted a copy of the redacted citizen complaint (P-1) and photos depicting the bus, its name, DOT information and its license plate taken by the citizen-complainant (P-2).

Mr. Chebin testified that Respondent has an exemption from the requirements of §24-163 and he submitted a letter from the DEP dated July 29, 2021 (R-A) to support Respondent's argument. The letter grants Respondent a variance from the Idling law. (The waiver set forth in the letter expired on July 15, 2024, prior to the issuance of the summons.) Mr. Chebin also submitted an acknowledged statement from Ronald Vasquez, Respondent's vice-president of operations (R-B). Mr. Vasquez states that the engine of the armored car must remain on to operate safety features. The statement is dated 9/11/2023.

Ms. Smith argued that although the letter from DEP allows for a variance, it did not provide a blanket exemption for Respondent. She further argued that Respondent did not provide any documentation about what was going on at the time this violation was issued. She also argued that the placard placed in Respondent's vehicle was misleading and the purpose of the placard was to evade the code.

NYC Administrative Code § 24-112 states that" (a) No person shall knowingly make a false or misleading statement or submit a false or misleading document to the department as to any matter within the jurisdiction of the department; (b) No person shall make, reproduce or alter or cause to be made, reproduced or altered a permit, certificate 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."

I credit the affirmed statement of the IO in the summons and Petitioner's evidence regarding the unauthorized placard in Respondent's truck. I do not credit Respondent's evidence because the letter submitted by Respondent (R-A) clearly states that the waiver expired on July 15, 2024, prior to the issuance of the summons and the statement (R-B) predated this violation. Therefore, I find that Respondent has not established a valid defense to this violation. I further find that Respondent is in violation of NYC Administrative Code § 24-112. This violation is sustained and a penalty of \$400 is imposed.

Barbara Halper

01/03/2025

01/03/2025

Barbara Halper, Hearing Officer

Date