



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000604385P et al. (3 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

RAPID ARMORED CORPORATION

Hearing Date : 12/23/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount :

0.00

Community Service(Hr):

Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604385P	Dismissed	10/04/2024	Wiloughby St (Bridge/Duffield St), Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1		24 -112	Dismissed	0.00

Total Penalty for Summons: 0.00



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000604385P	Dismissed	10/04/2024	Wiloughby St (Bridge/Duffield St), Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BAGS	24 -112	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604386R	Dismissed	10/07/2024	Court St and Remsen St, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA08	24 -112	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604387Z	Dismissed	10/14/2024	Fulton St at Hanover Place, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA08	24 -112	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Respondent, RAPID ARMORED CORPORATION, appeared in person in response to the above issued summons. Respondent was represented by attorney, Michael Sargo, Esq. Petitioner, Department of Environmental Protection, was represented by Michael Grosso. Respondent is charged with three violations of NYC Administrative Code 24 -112.

Mr. Grosso submitted an evidence packet in support of each summons consisting of photos and videos of the placard taken on the date of each violation. Mr. Grosso testified that the placard was misleading as no one was exempt from the idling statute at all times. Mr. Grosso testified that Respondent may have a variance but that was only applicable when the vehicle was engaged in work. Mr. Grosso testified that, for example, if the workers were inside the truck eating while it was idling, an inspector could still issue a violation, despite the variance.

Mr. Sargo moved to dismiss the summons arguing that Respondent did have a variance on the date of each violation. Mr. Sargo testified that the armored truck has money inside and safety features that require the vehicle to be running. Mr. Sargo testified that Petitioner did not make any argument as to why Respondent could not have the sticker. Mr. Sargo testified that Respondent did not make a false statement because there was a variance in place. In support of his testimony, Mr. Sargo submitted a copy of Respondent's variance, the variance application, and an affidavit from Respondent's Vice President of Operations.

Mr. Grosso testified that the variance stated that it is not applicable when workers are not performing their responsibilities. Mr. Grosso testified that the sticker is not in coordination with the language of the variance.

I credit Respondent's testimony and evidence and find that Respondent has provided sufficient evidence to rebut Petitioner's case. I find that the placard was not a false or misleading document or statement as Respondent did have the appropriate variance on the date of each violation.

Accordingly, these summonses are dismissed.



12/23/2024

12/23/2024

Trishawn Raffington, Hearing Officer

Date

