



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: 000883944R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CIP ENTERPRISES INC Hearing Date: 02/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000883944R	Sustained	09/11/2024	ON E 5TH STBETWEEN AVE A AND AV Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

Michael Grosso appeared for Petitioner, DEP. Lance Chebin appeared for Respondent, CIP Enterprises Inc., vehicle owner.

Respondent has been charged with a third offense of New York City Administrative Code Section 24-163(f) for idling a vehicle motor engine for over a minute while adjacent to a school.

Petitioner submitted two photos, a redacted complaint, and a video 1:41 minutes in length.

Petitioner stated that the liftgate did not move for the duration of the video.

Mr. Chebin denied the prior violations and stated that there is no evidence of a school in the video.

Petitioner responded that it is Respondent's burden to show that there was no school. Petitioner submitted Appeal 2400840 to support that claim.

I credit the issuing officer's statement in the summons and Petitioner's evidence and find that they establish the violation. Mr. Chebin submitted no evidence to show that the cited school was not easily identifiable. The two cited prior violations were issued in 2023 and were in violation and in default respectively. Respondent has not refuted the charge or established any defense. The violaton is sustained and the mandatory penalty imposed.

Paula Z

02/21/2025

02/21/2025

Paula Mobley, Hearing Officer

Date