



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: 000830188L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- SECURITY CABLING LLC Hearing Date: 01/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830188L	Sustained	11/02/2023	Washington Square East btwn W4 and Washington Place Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

A remote hearing was held on 1/30/25. Petitioner Department of Environmental Protection appeared by its representative Leah Smith. Respondent appeared by its authorized representative Mabel Oghojafor. Petitioner alleged Respondent violated AC 24-163, as a second offense.

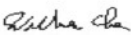
Petitioner presented one photo of the truck and the citizen's complaint. Petitioner's Exhibits 1&2. Petitioner also presented a record from OATH showing Respondent in violation of summons ending in 79K. Petitioner's Exhibit 3. Petitioner also presented a video that was longer than three minutes.

The van is parked on the right hand side of the street. There is a sidewalk shed in place. There is background noise but the video goes to the side of the truck and the engine is audible. Someone brings a ladder over to the truck and leans it against the sidewalk shed. The person then loads the ladder into the van. There is no processing equipment in use.

Respondent argued that the van was exempt from the statue because it was loading materials into the van and placing the ladder onto the top of the van.

Petitioner stated that the only exception is if processing equipment is in use.

I find Respondent in violation as a second offense. I find the van idled for longer than three minutes. There is no processing equipment being used. I impose the penalty of \$440.00 for a second offense.

	
02/07/2025	02/07/2025
William Chen, Hearing Officer	Date