



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons# : 000604601K et al. (8 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- RAPID ARMORED CORP Hearing Date : 6/3/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000604601K	Dismissed	09/16/2024	6th Ave. & West 24th St., Manhattan

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
000604602M	Dismissed	09/12/2024	West 24th St. and 5th Ave., Manhattan

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
000604604X	Dismissed	09/04/2024	8th Ave. betw 34th and 35th Sts., Manhattan

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
000604623L	Dismissed	09/04/2024	West 24th St. betw Broadway and 6th Ave.,

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
000604646Y	Dismissed	08/30/2024	Broadway betw 48th and 48th Sts., Manhattan

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
000604678Z	Dismissed	08/27/2024	6th Ave. betn West 24 and 25 Sts., Manhattan

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
000604679K	Dismissed	08/26/2024	6th Ave. & West 24th St., Manhattan

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
000604778X	Dismissed	11/14/2024	7th Ave. and 3rd Street, 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 CORP, appeared by its authorized representative, Michael Sargo, and petitioner, NYC Dept. of Environmental Protection ("DEP") appeared by its authorized representative, Antwan Gibbs.

Respondent was issued 8 violations: Summons #:000604601K, # 00604602M, # 000604604X, # 000604623L, # 000604646Y, # 000604778X, # 000604678Z, # 000604679K.

The Summonses alleged a violation of § 24-112 of the NYC Administrative Code for knowingly making false and misleading statements in documents.

Insp. Gibbs submitted the Summonses (Exh. 1) for each violation that indicated the cited plate was the ID number listed in each violation, the document (Exh. 2) that contained the photo of the cited plate that matched the ID number of each violation, the photo of the cited truck with Respondent's name on the side and rear of the cited truck for each violation and the black and white sticker stating: "Armored Truck Exempt from NYC Idling Regulations" and the approved green and white DEP decal stating: PROCESSING DEVICE VEHICLELEL PERMITTED WHILE DEVICE IS in USE and a box for crane, drill, hoist, lift, mixer, refrigeration, and other (Exh. 3) and an enlarged photo of the Respondent's sticker.

Mr. Sargo submitted the notarized letter dated 9/11/23, from Ronald Vasquez, Respondent's VP of Operations (Exh. A) stating that Rapid was an armored car company that transported large sums of currency between various businesses and their banks, and that due to risk of theft the vehicles contained multiple safety features and devices that must remain in operation at all times and the DEP letter dated 7/21/29 in response to Respondent's request for a variance letter stating the request was granted during the course of doing business, but does not apply with the employees were taking lunch (Exh. B).

There was no dispute that the cited vehicles were exempt from the requirements for limiting idling to either 3 minutes or 1 minute if adjacent to a school as set forth in § 24-163.

Insp. Gibbs stated that the Petitioner must stamp each vehicle with the DEP decal and the sticker used by the Respondent was misleading as Respondent was not exempt from § 24-163 during lunch.

Mr. Sargo stated that the Petitioner did not put the decal on the cited vehicles and Respondent's sticker accurately stated that Respondent's vehicles were exempt.

NYC Administrative Code § 24-112 (a) provides that "[n]o 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."

I find Petitioner failed to establish that Respondent knowingly made a false or misleading statement submit a false or misleading document to the department. I find that there was no dispute that Respondent was exempt § 24-163 in the course of doing business and that neither the sticker nor the decal provided the specific information limiting the exemption only during the course of doing business and not when the employees were taking lunch.

Accordingly, I dismiss the violations.

Linda Agoston

06/04/2025

06/04/2025

Linda Agoston, Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
 Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
 Queens: (718) 393-6044 CSqueens@oath.nyc.gov
 Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
 Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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