



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: 000791441R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ZAMORA PHILLIP J Hearing Date: 06/02/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000791441R	Dismissed	08/02/2024	210 E 36 St Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BNZ7	24-236 (E)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

A hearing was conducted by telephone on June 2, 2025. Michael Nacmias, Esq. appeared for the respondent. Antwan Gibbs appeared for the petitioner. The summons alleged a violation of 24-236(e) in that the respondent's motorcycle was operating on a public right of way; a noise camera measured, at a distance of 50 feet or more from the center of the lane, that the motorcycle's sound levels had exceeded the allowed limit. This summons was a second offense, with a prior offense having issued under 000791224K. The petitioner presented an evidence packet that included a video of the respondent riding his motorcycle down a street with audible noises emanating from it. The respondent presented a New York City map showing the street widths of East 36 Street, where the alleged infraction occurred, and pointed out that the width of the street on was only 40 feet. I credit the respondent's evidence and find that the noise camera could not have measured the respondent's