



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: 000862260N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC Hearing Date: 09/17/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000862260N	Sustained	07/09/2024	466 LEXINGTON AVE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone via Court Call on September 17, 2025. Andy Guzman represented Petitioner. Respondent appeared through authorized representative Nora Brown.

The summons charges a violation of Administrative Code (Code) § 24-163 for idling of a motor vehicle engine for more than three minutes. The issuing officer (IO) affirmed per Department of Environmental Protection Records that a citizen observed the vehicle identified in the summons idling for longer than three minutes at the date, time, and location specified in the summons.

Petitioner relied on the summons and submitted: PX 1 – identifying photos; PX 2 – citizen complaint; PX 3 – proof of service;

and a video of the vehicle idling. Respondent denied the summons with no rebuttal.

Code § 24-163(a) prohibits the idling of a motor vehicle engine in excess of three minutes while parked, standing, or stopped. Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), a summons affirmed under penalty of perjury will be admitted as prima facie evidence of the facts stated therein. See DEP v. Citnalta Construction Corp., Appeal No. 2201191 (February 23, 2023); DEP v. TM & T Service Station Inc., Appeal No. 1901827 (March 19, 2020).

I credit the affirmed statements in the summons and Petitioner's evidence and find Petitioner established its prima facie cases. Respondent's denial is insufficient to rebut Petitioner's prima facie case.

The summons consequently is sustained.

Michael Gallagher

09/17/2025

09/17/2025

Michael Gallagher, Hearing Officer

Date