



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: 000605676J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RAPID ARMORED Hearing Date: 10/14/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000605676J	Dismissed	03/22/2025	Tillary St and Cadman Plaza Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA08	24 -112	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Nora Brown for Respondent

Inspector McLaughlin for DEP

The summons alleges the unauthorized use of a placard which states "Armored truck Exempt from NYC Idling regulations," and it carries a \$400 fine. DEP submitted evidence which is credited which shows that Respondent placed a private placard on the back of its truck. After reviewing the evidence, Respondent denied the violation and presented no rebuttal. However, the cited statute applies to "work permit, certificate of operation or other document issued by the commissioner or required by this

code. . ." Though its purpose may be to evade or violate the idling law, a private sticker or placard does not fall within the terms of 24-112(b), the cited statute. As a regulatory statute, this statute must be strictly construed in favor of Respondent.Charlotte's Fancy Res. V. DCA, 121 A.D. 2d 969 (1st Dep't. 1986), reversed on other grounds, 69 N.Y. 2d 865 (1987)(licensing requirements are penal in nature and strictly construed against the party seeking enforcement and in favor of the accused); Exxon Corp. v. Board of Standards, 128 A.D. 2d 289 (1st Dept. 1987)(Zoning ordinances, which are in derogation of common law, must be strictly construed against the zoning authority.); DOB v. 1 Jian, Appeal No. 1800296 (May 17, 2018)(Statutory provision 28-301.1 for failing to maintain a building is strictly construed); BIC v. PSK African Market, Appeal No. 1801831, n. 3 (March 7, 2019)(OATH Rules of Procedure are strictly construed). Accordingly, despite Respondent denying the violation without submitted any rebuttal, DEP failed to establish a violation and the summons is dismissed.



10/14/2025

10/14/2025

Mitchell Rubinstein, Hearing Officer

Date