



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

NORA BROWN - NACMIAS LAW FIRM PPLC
592 PACIFIC STREET
NEW YORK,NY 11217

Summons# : 000606260K et al. (2 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

RAPID ARMORED CORPORATION

Hearing Date : 9/3/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 800.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606260K	Sustained	05/01/2025	50 COURT STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA08	24 -112	Sustained	400.00

Total Penalty for Summons: 400.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000606261M	Sustained	05/22/2025	MYRTLE AVE & TAAFFE PLACE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA08	24 -112	Sustained	400.00

Total Penalty for Summons: 400.00

Findings of Facts & Conclusions of Law

Nora Brown appeared on behalf of the Respondent, Rapid Armored Corporation.

Antwan Gibbs appeared on behalf of the Petitioner, DEP.

Summons 000606260K alleges a violation of NYC Administrative Code 24-112, Making/filing false or misleading statements/documents, as per citizens complaint- Respondent attached an unauthorized placard, "Armored truck exempt from NYC idling regulations" to their vehicle in order to avoid 24-163 idling violations. Cited vehicle NY plate number 21515MC.

Petitioner presented four photos of the cited vehicle showing the license plate, the cited sticker, the name and address of the Respondent, and the DOT registration number, a DOT registration screen, a citizen's air compliant form, a request for a variance from the idling law, and a response from the NYC DEP granting a waiver from idling restrictions in some circumstances, but not all, until July 15, 2024.

Summons 000606261M alleges a violation of NYC Administrative Code 24-112, Making/filing false or misleading statements/documents, as per citizens complaint- Respondent attached an unauthorized placard, "Armored truck exempt from NYC idling regulations" to their vehicle in order to avoid 24-163 idling violations. Cited vehicle NY plate number 33771ME.

Petitioner presented three photos of the cited vehicle showing the license plate, the cited sticker, the name and address of the Respondent, and the DOT registration number, a DOT registration screen, a citizen's air compliant form, a request for a variance from the idling law, and a response from the NYC DEP granting a waiver from idling restrictions in some circumstances, but not all, until July 15, 2024.

Addressing both summonses, Petitioner stated that the Respondent's waiver from some idling restrictions had expired before the summons was issued. Further, even while the waiver was in effect, the cited sticker would be inaccurate as only some idling restrictions were waived and thus, the cited sticker would assist the Respondent in evading or violating applicable parts of the idling law. Petitioner presented a variance sticker issued by the Commissioner for some processing equipment for some vehicles as an exemplar.

Petitioner referenced 24-112(b): "No person shall make reproduce or alter or cause to be made, reproduced, or altered a work permit, certificate of operation or other document issued by the commissioner or required by this code if the purpose of such reproduction or alteration is to evade or violate any provision of these code or any other law."

Addressing both summonses, Respondent argued that the design of the cited vehicles requires running the engine at all times. Respondent presented the same evidence for both cases, including the same waiver letter from the DEP and an affidavit from Ronald Vasquez, the Respondent's Vice President of Operations, a spec sheet for the armored vehicles, a letter from the CEO of the Respondent explaining Respondent's corporate structure, a share certificate and a certificate of insurance.

None of Respondent's evidence addresses whether the cited stickers violated 24-112(b). Respondent argues that the waiver issued by DEP should still apply to the cited vehicles, but Respondent presented no evidence that the waiver does still apply. Further, Petitioner states that the waiver program ended prior to the issuance of the instant summonses and the waiver letter by its own terms, is not a blanket waiver as implied by the cited placard, with the waiver letter stating: "This exemption does not apply..." and lists several circumstances.

I find that the Respondent has not provided a valid defense or credible rebuttal to the valid prima facie case stated in the summonses.

The summonses are upheld.

Sean Gralton

09/10/2025

09/10/2025

Sean Gralton, Hearing Officer

Date