



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

NORA BROWN - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000870597Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RAPID ARMORED CORPORATION Hearing Date: 09/11/2025 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
000870597Z	Dismissed	07/05/2024	ON CASE ST BET ROOSEVELT AVE & ELMHURST AVE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Andy Guzman appeared for the Petitioner. Nora Brown appeared for the named Respondent charged with a violation of NYC Adm code §24-163 for idling a truck for more than three minutes, as a third offense. The hearing was held by telephone.

Petitioner submitted a 3:35 minute video of the truck idling, photographs and other evidence (Pet. exhs. 1-6), and then rested on the sworn details of violation.

Respondent moved to dismiss the charge stating that they have a variance exempting from violations under the cited provision of law (Resp. exh. A).

Petitioner acknowledged that the variance was valid at the time of issuance, but argued that the Respondent could have been getting lunch at the time of observation, which would not be covered by the variance.

I credit the Respondent and find that they have provided a valid legal defense to the charge.

Petitioner provided no evidence to show that the Respondent was not working at the time of issuance.

The summons is dismissed.



09/11/2025

09/11/2025

Susan Kippins, Hearing Officer

Date