



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 0600450043 et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- W 109 PROPERTY OWNER LLC Hearing Date: 04/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0600450043	Sustained	06/12/2024	170 W 109 St Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AW52	15 RCN Y 20-04(E)	Sustained	\$500.00

Findings of Fact & Conclusions of Law

This matter was heard remotely, via telephonic conference, on April 18, 2025. Respondent appeared via Lance Chebin, identified as the authorized representative for the named respondent. Petitioner appeared via Delcia Callwood.

The summons alleges a violation of 15 RCNY 20-04(e). The date of occurrence was June 12, 2024, at 9:54am. The first hearing date was July 26, 2024.

In the summons, the issuing officer (IO) alleges that respondent failed to submit an annual test report for a backflow prevention device with serial # A437988 within 12 months of the last submission, on December 6, 2022.

Respondent does not submit evidence of correction, but did request evidence from petitioner; petitioner did not have any evidence to provide. Respondent requested an adjournment, in order to obtain evidence from their client. I explained what evidence would be required, in order to achieve mitigation. Petitioner testifies that they have evidence of correction, from respondent, but this was submitted in April 2025, after the first hearing date. Based on this testimony, I denied respondent's motion to adjourn, as the correction was already submitted to petitioner.

Based on this evidence, petitioner recommends the standard penalty. Respondent denies the charges , without rebuttal.

As such, the summons is hereby sustained, and the statutory penalty imposed.



04/18/2025

04/18/2025

Craig Messing, Hearing Officer

Date