



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: 000791517Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RUSSO NICHOLAS JAMES Hearing Date: 02/09/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$800.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000791517Y	Sustained	08/22/2024	36-11 20th Ave Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BNZ6	24-236 (E)	Sustained	\$800.00

Findings of Fact & Conclusions of Law

The summons alleges a violation of NYC Administrative Code 236(e) in that respondent caused or permitted the sound from of a motor vehicle to exceed acceptable limits while on a public right of way.

Petitioner, The Department of Environmental Protection, appeared by Inspector Leah Smith

Ilma Babu appeared as an authorized representative for the respondent, Nicholas James Russo.

Petitioner relied on the sworn statement in the summons and submitted supporting documentation.

Respondent denied the violation with no rebuttal after reviewing petitioner's evidence.

NYC Administrative Code 24-336(e) provides " No person shall cause or permit the total sound from a motor vehicle operating on any public right-of-way to exceed the sound level set forth in section 386 of the vehicle and traffic law and the rules adopted pursuant to such section."

I credit petitioner's evidence and the factual allegations in the summons which support a violation of the cited code section . Accordingly, the summons is sustained, and the mandatory penalty is imposed.

Ilene Sussman

02/09/2026

02/09/2026

Ilene Sussman, Judicial Hearing Officer

Date