



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Appeals Division

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Appeal No. 2501352

DEP v. Rapid Armored

January 29, 2026

APPEAL DECISION

The appeal of Petitioner, Department of Environmental Protection (DEP), is **denied**.

Petitioner appeals from recommended decisions by Judicial Hearing Officer (JHO) M. Rubinstein, dated October 14, 2025, dismissing eleven violations of § 24-112 of the Administrative Code of the City of New York (Code) for unlawful reproduction or alteration of documents. Having fully reviewed the record, the Board finds that the JHO’s decisions are supported by the law and a preponderance of the evidence. Therefore, the Board finds as follows:

Summons	Law Charged	Hearing Determination	Appeal Determination	Penalty
00605656M (56M)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605678N (78N)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605679P (79P)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605555N (55N)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605556P (56P)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605557R (57R)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605520N (20N)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605676J (76J)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605650L (50L)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605648M (48M)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0
00605680M (80M)	Code § 24-112	Dismissed	Affirmed – Dismissed	\$0

In the summonses, the issuing officer (IO) affirmed observing, per a citizen’s complaint, that on eleven separate dates in various locations in Brooklyn, Respondent’s vehicle bore an unauthorized placard stating, “Armored truck exempt from NYC Idling regulations.”¹ In the “Details of Violation(s),” the summonses cited Code § 24-112(b) and quoted that subsection in full. Summonses 56M, 50L, and 80M each charged the violation as a third offense and listed two prior summonses.

At a telephone hearing, Petitioner’s representative submitted photographic evidence of the placard described in the summonses, which appeared to be a sticker that was affixed to the rear of a vehicle. Petitioner explained that DEP is the only entity authorized to make a sticker recognizing exemptions to idling regulations and that official DEP stickers do not grant full immunity but instead indicate, for instance, that a vehicle with a processing device is exempt while the device is in use. Respondent denied the charge but offered no rebuttal.

¹ The dates and places of occurrence were as follows. Summons 57R: December 17, 2024, at Fulton Street & Bond Street; Summons 56P: December 18, 2024, at Court Street & Schermerhorn Street; Summons 55N: December 30, 2024, at Court Street & Livingston Street; Summons 80M: February 24, 2025, at Willoughby Street & Bridge Street; Summons 79P: February 27, 2025, at Court Street & Joralemon Street; Summons 78N: March 11, 2025, at Willoughby Street & Lawrence Street; Summons 20N: March 18, 2025, at 5th Avenue & 14th Street; Summons 76J: March 22, 2025, at Tillary Street & Cadman Plaza East; Summons 56M: March 25, 2025, on Fulton Street between Hanover Place & Bond Street; Summons 50L: March 26, 2025, on Duffield Street between Fulton Street & Willoughby Street; and Summons 48M: March 28, 2025, at Fulton Street & Bond Street.

In the hearing decisions, the JHO dismissed the summonses, concluding that, “[t]hrough 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.”

On appeal, Petitioner argues, for the first time, that Respondent violated Code § 24-112(a). Respondent did not answer the appeal.

For the following reasons, the Board affirms the JHO’s decisions.

Code § 24-112(b) provides, in relevant part, that “[n]o person shall make, reproduce or alter . . . 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 this code.” At issue is whether Respondent’s sticker was a “document issued by the commissioner.” The Board concludes it was not. The sticker did not bear a DEP insignia or any other indication it was an official document. While Petitioner did not submit an official sticker for comparison, its representative’s assertions at the hearing indicated that Respondent’s sticker differed both in form and content from any “document issued by the commissioner.” Further, in calling it a “private sticker,” the JHO implicitly found a reasonable observer would not believe the sticker carried official weight. Petitioner’s evidence was insufficient to establish a violation.

On appeal, Petitioner asserts Respondent’s conduct violated Code § 24-112(a), which provides that “[n]o person shall knowingly make a false or misleading statement or submit a false or misleading document to the department as to any matter within the jurisdiction of the department.” However, the Board declines to reach that theory of liability, as the summonses did not provide adequate notice of it. Section 6-08(c)(3) of Title 48 of the Rules of the City of New York requires that a summon contain “[i]nformation adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated.” Under “Infraction Code,” the summonses at issue listed “§ 24-112,” which standing alone might have allowed Petitioner to proceed under either subsection (a) or (b). *See DOB v. BE Bronx Builders LLC*, Appeal No. 2400622 (June 27, 2024) (“a summons may cite to a general section of law instead of a subsection or subparagraph”). However, the “Description of Violation” section left no doubt that the charge was for Code § 24-112(b), as that subsection was cited and quoted in full. Considering the full context, the summons did not provide adequate notice that Petitioner was charging a Code § 24-112(a) violation.

Accordingly, the Board affirms the JHO’s decisions dismissing eleven charges of violating Code § 24-112.

By: OATH Appeals Division