

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Alleged Violation of  
Article 17 of the Environmental Conservation  
Law of the State of New York, Article 12 of the  
New York State Navigation Law and of Title 6  
of NYCRR of the State of New York (“6 NYCRR”) by

RULING

DEC File No.  
3-493539-1

ALI LATEEF

Respondent.

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PROCEEDINGS

By petition dated September 16, 2002, Staff of the Department of Environmental Conservation (DEC Staff, Department) seeks to amend the Notice of Hearing and Complaint previously served in this matter on Ali Lateef (Respondent). DEC Staff alleged violations of Article 17 of the Environmental Conservation Law (ECL), Article 12 of the Navigation Law and 6 NYCRR Parts 613, 614 and 360 in its December 8, 2000 Complaint. DEC Staff seeks to amend the Complaint to add Respondent Yolanda Lateef as well as add additional violations.

The DEC Staff served the petition to amend on this office by letter dated September 16, 2002. The letter indicated that counsel for the Respondent was copied on the letter. No responding papers have been received by this office.

AMENDMENT OF PLEADINGS

6 NYCRR 622.5 “Amendment of Pleadings” provides, in pertinent part: “(b) Consistent with the CPLR a party may amend its pleading at any time prior to the final decision of the commissioner by permission of the ALJ or the commissioner and absent prejudice to the ability of any other party to respond.” Leave to amend pleadings is freely given by the courts of this State. In this case, the amendment sought is to add a respondent, Yolanda Lateef. Ali Lateef is the sole Respondent in the original complaint.

§622.5(b) requires a showing that there will not be prejudice to any other party to respond. The Respondent’s counsel was served with the petition to amend as evidenced by the cover letter serving the petition on this office that indicates that counsel for the Respondent was copied on the letter. No responding papers were received by this office and the time to respond has long since passed.

RULING

The motion to amend is granted. The amended pleadings should be served as directed by 6 NYCRR Part 622.

\_\_\_\_\_/s/\_\_\_\_\_  
Molly T. McBride  
Administrative Law Judge

Dated: January 13, 2004  
Albany, New York

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