

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

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In the Matter of the Alleged Violations of Articles 15, 25, and 34 of the New York State Environmental Conservation Law (“ECL”) and Section 663.4(20) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“6 NYCRR”),

**RULING ON  
MOTION TO  
AMEND**

-by-

DEC Case No.  
R2-20130724-348

**ROBERT I. TOUSSIE; JOGLO REALTIES, INC.;**  
**T.Z. BROTHERS GENERAL CONTRACTORS, INC.;**  
**LELLO G. ZODIACO; and ANTONIO ZODIACO,**  
personally and as chief executive officer/sole shareholder  
of **T.Z. Brothers General Contractors, Inc.,**

Respondents.

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Staff of the Department of Environmental Conservation (“Department”) has filed a letter-motion to amend the complaint. Counsel for respondents stated during a teleconference held on July 25, 2016 that they do not object to the motion to amend the complaint.

Pursuant to 6 NYCRR § 622.5(b), a party may amend its pleading prior to the final decision of the Commissioner by permission of the ALJ and absent prejudice to the ability of any other party to respond. I find that amendment of the complaint would not in this instance prejudice any party’s ability to respond.

Staff’s motion to amend the complaint is hereby GRANTED. Staff shall serve the Amended Complaint as soon as practicable.

In accordance with discussion among the parties and the undersigned on July 25, 2016, and the scheduling memorandum issued herewith, Respondents shall file and serve their answers no later than August 15, 2016.

/s/

Dated: July 25, 2016  
Albany, NY

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D. Scott Bassinson  
Administrative Law Judge