



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: 000887795K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 07/21/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$350.00

Community Service(Hr): Not Applicable
--

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000887795K	Sustained	04/10/2024	1542 3 AVENUE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

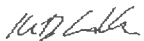
Martin Joyce appeared for the Petitioner the New York City Department of Environmental Protection, which was held by telephone. He submits a series of photographs, and a map showing the Dalton School on the block, and a video marked collectively as petitioner's exhibit "1". She recommended the statutory first offense penalty.

Alexander Stratis appeared as the authorized representative of the respondent. He made a motion to dismiss and stated that the video does not show a school on the block, and it was not identifiable by the driver who was not reasonably aware of the school on the block, and the DEP did to submit any other evidence showing the schools location.

Respondent is charged with idling of a vehicle, NY License # 26263ND for more than 1 minute while parked, stopped, or standing adjacent to a school under Code 24-163 (f), as a first offense.

Under § 39-02, adjacent to Any Public or Non-Public School shall mean on each and every street on which a school is located and has entrances and/or exits to such street. School shall include any building or structure, playground, athletic field or other property that is part of the school. See, DEP v. New York Paving Inc Appeal, No. 2400840 (October 31, 2024).

Based upon the above credible evidence submitted by petitioner, I sustain this summons and impose the statutory first offense penalty.



07/23/2026

07/23/2026

Keith J. Ludwiczak, Judicial Hearing Officer

Date