OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Alexander Stratis - Nacmias Law Firm PLLC 592 Pacific St Brooklyn,NY 11217	Summons# : 000915673H et al. (8 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date : 9/25/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount : 4,050.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000915673H	Sustained	12/12/2024	ON WATER ST BETWEEN OLD SLIP AND GOUVENOR

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920336N	Sustained	07/08/2024	170 WEST 46 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: **600.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920712H	Sustained	01/01/2025	ON W 65TH ST BETWEEN BROADWAY AND

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920731N	Sustained	10/10/2024	2 EAST 47 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920784R	Sustained	12/18/2024	545 8 AVENUE, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: **600.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920788Y	Sustained	12/18/2024	545 8 AVENUE, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: **600.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920808M	Sustained	12/18/2024	1220 AVENUE OF THE AMERICAS, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: **600.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920816M	Sustained	12/18/2024	69 WEST 48 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: **600.00**

Findings of Facts & Conclusions of Law

A hearing was conducted by telephone on September 21, 2026. Alexander Stratis appeared for the respondent. Inspector Leah Smith appeared for the petitioner. Each summons alleged a violation of NYC Admin. Code sec. 24-163. Summons ending in 84R alleged prior violations under 000716916L and 000745804J; summons ending in 08M alleged prior violations under 000711968K and 000716039Z; summons ending in 88Y alleged prior violations under 000713615Y and 000722790X; summons ending in 36N alleged prior violations under 000776204H and 000795825Y; and summons ending in 16M alleged prior violations under 000712310Z and 000740041H.

For each summons, the petitioner presented an evidence packet that included video footage of the respondent's vehicle idling for longer than three minutes while parked or standing.

In rebuttal for summonses ending in 73H, 12H, 31N, 84R, 88Y, 08M, and 16M, the respondent submitted a letter stating that its vehicles were idling because they are equipped with construction tools and power systems that require a generator to operate and that the generator can only run if the vehicle's engine remains on. In each instance, according to the respondent, the vehicle's engine was idling to power a generator required for its tools at a particular job site. The petitioner, in rebuttal, argued that the use of a generator does not qualify as a processing device that would excuse the respondent's vehicles from idling.

For summons ending in 36N, the respondent argued that the vehicle's engine could not be distinguished from ambient noises and disputed that the respondent's vehicle was idling. I reject this argument and do not find it convincing.

I credit the petitioner's evidence and the allegations in the summonses. The respondent's generator does not qualify as a processing device. All the summonses here are, therefore, upheld. For summonses ending in 73H, 12H, and 31N, a penalty of $350 is imposed for each violation. For summonses ending in 36N, 84R, 88Y, 08M, and 16M, a penalty of $600 is imposed for each violation as repeated offenses.



09/25/2026 **09/25/2026**

Chin Ho Cheng, Hearing Officer **Date**