



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

Alexander Stratis - Nacmias Law Firm PLLC 592 Pacific St Brooklyn, NY 11217	Summons# : 000977626Z et al. (2 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- DHL EXPRESS USA INC Hearing Date : 7/7/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 600.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000977626Z	Sustained	12/06/2024	42 JAY STREET, Brooklyn

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
000977627K	Dismissed	12/06/2024	50 JAY STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Antwan Gibbs appeared for the Petitioner. Alexander Stratis appeared for the Respondent. Respondent is charge with two violations of NYC Adm code §24 -163 for idling a vehicle for more than three minutes as a third offense.

Petitioner submitted videos and evidence for each summons and then rested on the sworn details of violation (Pet. exhs. 1-8).

Respondent did not dispute the the same vehicle was idling for three minutes, but moved to dismiss summons 000977627K as duplicative of summons 000977626Z as they were both issued on the same date, for the same vehicle, on the same block. Respondent submitted evidence that 42 Jay Street and 50 Jay Street are located on the same block. Summons ending 26Z indicated idling between 2:47 p.m. and 2:50 p.m., and summons endind 27K indicated idling between 2:51 p.m. and 2:54 p.m.

Petitioner argued that both summonses should be sustained because once the vehicle is moved, it constitutes a separate idling.

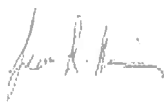
I credit the Respondent and find that summons ending 27K is duplicative of summons ending 26Z. "Generally, an NOV is duplicative of another NOV when each cites the same respondent at the same place of occurrence on the same date of violation on the same factual basis under either the same provision of law or a different provision of law with the same elements of proof" NYC v. 187 Pinehurst Owners Corp., Appeal No. 1300221, July 25, 2013.

The court has held that a vehicle idling in short succession, on the same block, on the same day cannot be charged with two violations of §24 -163 as this constitutes a violation of AC §24-178 (a)(3)(ii). See Matter of Streeter v New York City Dept. of Env'tl. Protection, Citation: 2024 NY Slip Op 24066, February 16, 2024.

I therefore credit the Respondent and dismiss summons 000977627K as duplicative of summons 000977626Z.

I credit the Petitioner and sustain summons 000977626Z as a third offense.

The approved penalty is imposed.

 07/08/2026 07/08/2026	
Susan Kippins, Hearing Officer	Date