



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Floor 1 NEW YORK,NY 11217	Summons No: 000824746X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER LLC Hearing Date: 07/08/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000824746X	Sustained	12/07/2023	ON PARK AVE BETWEEN CUMBERLAND Brooklyn

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

Findings of Fact & Conclusions of Law

This hearing was conducted remotely by telephone. Joshua Santis appeared for Respondent. Petitioner Department of Environmental Protection (DEP) was not present. Respondent is charged with violating section 24-163 of the New York City Administrative Code.

Through email Petitioner provided an evidence packet with information and pictures regarding the vehicle (P. Exs. 1-3); and a video of the vehicle, which due to its size was not uploaded and will be thus uploaded into this tribunal's shared digital folder (P. Ex. 4). Petitioner stated the video showed audible engine sound and no work activity that needed to have the engine running.

Respondent stated that the mailing address in the face of the summons (page 1 towards the top) was wrong and submitted a document to support that statement (R. Ex. A). Respondent stated this meant that service was improper.

Petitioner stated the mailing address in the summons had come from DMV records and submitted a document to show what came up once Petitioner ran the license plate (P. Ex. 5). Petitioner's document was dated on the day of the hearing.

The document Respondent provided was dated on the day of the hearing, from the NY Secretary of State website and had 470 KENT AVENUE, BROOKLYN as the address where the Secretary of State would mail a copy of process it received by Personal Delivery.

The document does not have information on prior addresses, or state if there were any.

Per the affidavit of service, on March 21, 2024, the summons was served upon a designated agent in the office of the NY Secretary of State, per the Business Corporation Law, and at 99 Washington Street.

Respondent has shown that the address where the Secretary of State should mail service after the Secretary of State is served by personal delivery was 470 Kent Ave on the day of the hearing, July 8, 2025; but has failed to show that the address where the Secretary of State should have mailed the summons after the summons was personally delivered to the Secretary of State was not the right address on the relevant date. The date the summons was served.

Respondent also did not put forth any arguments to say that personal delivery of the summons upon the Secretary of State, was improper.

Thus, the motion to dismiss the summons due to improper service is denied.

On the merits Respondent put forth no arguments.

Respondent did not refute Petitioner's case or establish a defense.

Thus, the summons is sustained, and the statutory penalty is imposed.

Daniel A. Vazquez

07/17/2025

07/17/2025

Daniel Vazquez-Diaz, Hearing Officer

Date