



Office of Administrative Trials and Hearings
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000911924P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ATHENS ELECTRIC INC Hearing Date: 07/07/2025 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
000911924P	Sustained	06/19/2024	23-10 44 DRIVE Queens

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

Findings of Fact & Conclusions of Law

Auth. Rep. Joshua Santis appeared for Respondent ATHENS ELECTRIC INC.

Petitioner appeared by Rep. M. Grosso, DEP.

On 6/19/24, at 23-10 44 DRIVE, Manhattan, the I/O issued this summons alleging a violation of 24 -163.

Mr. Grosso submitted into the record P1 – copy of the summons, 2 photographs of the cited vehicle and the redacted idling complaint form. Mr. Santis objected, arguing the address noted on the summons is 1980 60-80 while the address on the side of the vehicle in the video shows 146 81st street (and a google search shows a completely different address). I took the evidence into the record over Mr. Santis's objection as I found it relevant and substantiated by P2 below. Mr. Santis submitted into the record R1 - DOS lookup information for Respondent

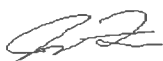
Mr. Grosso noted the summons was issued to the vehicle's owner (pdf of the DMV lookup of the vehicle submitted into the record as P2).

Mr. Grosso argued there may be multiple relevant addresses and the plate was registered to the address on the summons. Mr. Santis did not present any evidence on the merits.

Here, upon review of the evidence submitted, I find the address on the summons to be a proper address. Respondent was put on notice of the violation, and not prejudiced here.

I credit the sworn testimony of the I/O and citizen and find that Petitioner has proven its case by a preponderance of the evidence.

Accordingly, the summons is SUSTAINED.



07/09/2025

07/09/2025

Joseph Fan, Hearing Officer

Date