



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000912584M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- KITCHEN REPAIR SERVICES Hearing Date: 07/10/2025 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
000912584M	Sustained	11/14/2024	230 PARK AVENUE SOUTH Manhattan

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

Findings of Fact & Conclusions of Law

Joshua Santis, authorized representative, appeared via Court Call on 07/11/25. Dantney Parks appeared on behalf of DEP.

Mr. Santis waived his right for counsel and need for translation services. Mr. Santis further waived his right to request the presence of the Issuing Officer.

Summons 000912584M was issued on 11/14/24 in violation of §24-163.

Ms. Parks submits an evidence packet and stands by the violation.

Mr. Santis denies the violation and states the video evidence only presents exhaust within the first minute of taping. Mr. Santis further notes that the driver exits the vehicle at the 3.39 mark.

Per 48 RCNY § 6-12(a), once Petitioner established its prima facie case, the critical inquiry became whether any credible evidence in the record, such as testimony or affidavits from the vehicle's driver, refuted its case or otherwise established an affirmative defense for Respondent "by a preponderance of the evidence." See DEP v. Citnalta Construction Corp., Appeal No. 2201191 (February 23, 2023).

I credit Issuing Officers statements made within the summons. Mr. Santis does not submit evidence from the vehicles driver that the vehicle was not on at issuing time. Based on the facts and law, this summons is sustained.

Malka Daniel

07/28/2025

07/28/2025

Malka Daniel, Hearing Officer

Date