



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000828776P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EMPIRE STATE REPAIR CORP Hearing Date: 01/22/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000828776P	Sustained	02/12/2024	110 W. 40TH STREET Manhattan

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

Findings of Fact & Conclusions of Law

Summons 000828776P alleges a violation of § 24-163 of the Administrative Code for idling of motor vehicle engine for more than three minutes.

Petitioner, Department of Environmental Protection, appeared by John McLoughlin. Respondent, Empire State Repair Corp., was represented by Mabel Oghojafor, authorized representative.

Petitioner relied on the IO's statements on the summons and submitted an affirmation of service (Pet 1); two photos of Respondent's vehicle (Pet 2, 3); a NYC citizen idling complaint (Pet 4); an email showing Respondent as the license plate

holder (Pet. 5); and a 3:33 minute video.

Upon review of Petitioner's evidence, Respondent's representative denied the charge without rebuttal.

I credit the IO's statements on the summons and Petitioner's evidence.

Accordingly, the summons is sustained.

KLawner

01/22/2025

01/22/2025

Kevin Lawner, Hearing Officer

Date