



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn ,NY 11217	Summons No: 000875802L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EMPIRE STATE REPAIR INC Hearing Date: 07/01/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000875802L	Sustained	03/04/2024	601 West 41th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	\$600.00

Findings of Fact & Conclusions of Law

The hearing was held on June 27, 2025.

Petitioner did not appear.

The respondent appeared by Joshua Santis from Nacmias Law Firm. He stated petitioner- DEP had previously emailed the evidence for this summons. He reviewed same and did not have any objection.

The summons charges a third violation of AC 24-163 for idling of truck for more than three minutes, Truck with NJ License

Plate XDZT41.

The summons cites prior summons 0007-149-24M, as the second violation, issued to Empire State Repair, Inc., license plate NJ XDZT41, on 4.19.22, and after a hearing was sustained. Summons 0007-000-23H is listed as the third violation, issued to Empire State Repair, Inc., license plate, NJ XDZT41, on 7.7.21, and the record indicates it is in default.

Pursuant to DEP guidelines, violations of Section 24-163, a second or third or subsequent offense is a violation by the same respondent within three years of the date of occurrence of the prior violation(s) and involving the same vehicle, where the prior violation(s) was for a violation of Section 24-163. In this case, the instant summons was issued on 3.4.24, the second violation was issued on 4.19.22, and the third summons was issued on 7.7.21, thus they are within the time frame designated for a third offense, and all three summonses were issued to the same respondent, and the same license plate.

After reviewing the record and DEP evidence, Mr. Santis stated the respondent denied the charges and had no rebuttal. I find petitioner established this charge and it is properly classified as a third offense; therefore, a third offense penalty is imposed

E. Garcia

07/07/2025

07/07/2025

Elizabeth Garcia, Hearing Officer

Date