



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000905634X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EMPIRE STATE REPAIR CORP Hearing Date: 08/12/2025 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
000905634X	Sustained	11/19/2024	8 TOWNERS ROAD Bronx

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

Findings of Fact & Conclusions of Law

Petitioner NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) was unrepresented.

Respondent EMPIRE STATE REPAIR CORP appeared by authorized representative JOSHUA SANTIS of the Nacmias Law Firm, PLLC.

Respondent was charged with a violation of § 24-163 of the Administrative Code of the City of New York (Code) for idling motor vehicle for longer than three minutes.

I find the Issuing Officer’s sworn-to summons narrative to be credible and persuasive.

Respondent stated that prior to this hearing he had reviewed the evidence supplied by the NYC DEP and denied the violation without rebuttal.

Once Petitioner established its prima facie case, the critical inquiry became whether any credible evidence in the record, such as testimony or an affidavit from the vehicle’s driver, refuted Petitioner’s case or otherwise established an affirmative defense. Respondent offered nothing to refute that the vehicle was idling for longer than three minutes. Here petitioner has submitted affirmed statements of firsthand knowledge or observation to support Petitioner’s allegation of idling. In the absence of probative evidence to contest Petitioner’s case, the summons is SUSTAINED.

The credible evidence, here the sworn-to summons narrative of the Issuing Officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and I impose the penalty of \$350.

	
08/12/2025	08/12/2025
Mark Goichman, Hearing Officer	Date