



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: 000879464X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- BAGEL BITES USA INC Hearing Date: 07/11/2025 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
000879464X	Sustained	02/07/2024	On MacDougal Street between West 3rd Street and Bleecker Street Manhattan

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

Findings of Fact & Conclusions of Law

Respondent, BAGEL BITES USA INC, appeared by its authorized representative, Joshua Santis, and petitioner, NYC Dept. of Environmental Protection ("DEP") did not appear.

The SUMMONS alleged a third offense of § 24-163 of the Administrative Code of the City of New York for idling a motor vehicle engine for more than three minutes.

Respondent's representative waived the submission of the evidence and that his client disputed the facts such that he could not rebut the prima facie case and presented no defense.

I credit the allegations and find they support a violation of the cited section of law. I do not credit the dispute in fact and find no defense presented.

Accordingly, I find respondent in violation impose the mandatory penalty for a third offense.

Linda Agoston

07/14/2025

07/14/2025

Linda Agoston, Hearing Officer

Date