



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000910889Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- BEST SUPER CLEANING Hearing Date: 07/01/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000910889Y	Sustained	04/02/2024	659 CLASSON AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

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 second violation of AC 24-163 for idling of truck for more than three minutes, first offense. Truck with NY License Plate 26216ND. The summons cites prior summons 0007-851-38N, as the second violation, which was issued to the same respondent on 4.24.23, Truck NY License Plate 26216ND, and after a hearing was upheld.

Pursuant to DEP guidelines, violations of Section 24-163, a second 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 4.2.24, and the prior summons, classified as the second violation was issued on 4.24 23, thus it is within the time frame designated for a second offense, the 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 charge and had no rebuttal. I find petitioner established this charge and it is properly classified as a second offense; therefore, a second offense penalty is imposed

E. Garcia

07/03/2025

07/03/2025

Elizabeth Garcia, Hearing Officer

Date