



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000860775N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- BEST SUPER CLEANING LLC Hearing Date: 07/01/2025 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
000860775N	Sustained	04/11/2024	On W Broadway between Prince St and Spring St Manhattan

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

Findings of Fact & Conclusions of Law

On July 1, 2025, Joshua Santis, a registered representative, appeared on behalf of Respondent, Best Super Cleaning LLC, for a remote hearing by telephone. Inspector Leah Smith appeared for Petitioner and relied on the Issuing Officer's affirmed statements in the summons.

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

The Issuing Officer affirmed in the summons that on April 11, 2024, "Respondent caused or permitted the idling of a motor

vehicle while parked, standing or stopped. As per DEP records, citizen observed TRUCK with NY license plate # 40253NE idling for longer than three minutes from 4/11/2024 4:50:42 PM to 4/11/2024 4:54:13 PM at on Broadway between Prince St and Spring St."

Petitioner submitted the redacted complaint form (marked as P1), photos (marked as P2), and a video (marked as P3) 3:46 long.

Respondent's representative claimed there was a processing device and that the vehicle was at a work site with workers around.

Petitioner countered, contending that while there were workers around with doors open, that the video does not show a liftgate or any other processing device.

I credit the Issuing Officer's statements in the summons and the evidence submitted by Petitioner, which established that the vehicle's engine had been idling for longer than three minutes in violation of Code § 24-163. There is a limited exemption provided to vehicles when the idling engine is used to operate a loading, unloading, or processing device. However, Respondent has not established this affirmative defense with sufficient and credible evidence. Respondent failed to identify the processing device and submitted no credible evidence to establish that this vehicle had been engaged in any expeditious commercial activity.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than three minutes in violation of §24-163, and I impose a standard penalty of \$350.00.

Wherefore, the summons is hereby sustained accordingly.

Sooyung Lee

07/11/2025

07/11/2025

Sooyung Lee, Hearing Officer

Date