



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000911027P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- BAGEL BITES USA INC Hearing Date: 06/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: \$600.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000911027P	Sustained	06/03/2024	117 WEST 38 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Registered Representative Joshia Santis appeared on behalf of Respondent, BAGEL BITES USA INC, at a hearing on June 30, 2025. Petitioner, Department of Environmental Protection, did not appear.

Respondent is charged with NYC Administrative Code Section 24-163.

Summons alleges that observed Respondent caused or permitted the idling of a motor vehicle while parked, standing, or stopped... 3rd and subsequent offense.

Respondent argued that although there is no processing device, the worker was unloading packages from the back of the vehicle.

NYC Administrative Code Section 24-163 provides, in relevant parts, that no person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes....

I credit the details of the summons. I find that the Respondent did not have a valid defense to the charge, nor did they contest the repeat charge. I find that the Respondent's vehicle was idle for longer than three minutes and unloading vehicle is not an exception to the provision.

Accordingly, the Summons is sustained and the standard penalty of \$600 is imposed as a 3rd and subsequent offense.

	
06/30/2025	06/30/2025
Iyayi Uwa, Hearing Officer	Date