



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: 000728164X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DBA PENSKE TRUCK RENTAL Hearing Date: 12/24/2024 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
000728164X	Sustained	08/16/2022	37-13 65th STREET Queens

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared for Respondent. Inspector Leah Smith appeared for Petitioner DEP.

Respondent was cited for violating AC 24-163 for idling of motor vehicle engine for more than 3 minutes. This is the first offense.

Inspector Smith submitted the redacted idling complaint, SAFER company snapshot, NY DOS entity information, 2 photos, Affirmation of Citizen Complaint, the summons and affirmation of service, and the video (Exhibit 1). She also submitted Appeal No. 2100309 (Exhibit 2).

Mr. Nacmias stated that Respondent was unloading in the video.

I find that Respondent did not establish a defense. The unloading did not use a processing device that required the engine to be on. The summons is sustained.

Viven Chiu

12/26/2024

12/26/2024

Viven Chiu, Hearing Officer

Date