



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000790934K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- C F IVANI-RICCIO Hearing Date: 07/28/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$800.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000790934K	Sustained	02/10/2024	510 WEST 41 ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BNZ6	24-236 (E)	Sustained	\$800.00

Findings of Fact & Conclusions of Law

Joshua Santis, attorney, appeared on behalf of the Respondent, C.F. Ivani-Riccio, and John McLaughlin appeared on behalf of the Petitioner, DEP, at a remote hearing held on 7/28/2025.

Respondent was charged with causing or permitting the total sound from motor vehicle, green BMW M3 with NY License Plate #G80BLIN operating on a public right of way to exceed sound level in section 386 of the VTL. The summons notes that on 2/10/2024 at 12:47 am a noise camera measured the decibels at 108.2db(a), allowable is 85db(a), measured at 50 feet or

more from the center of the lane.

AC 24-236(e) provides that:

(e) No person shall cause or permit the total sound from a motor vehicle operating on any public right-of-way to exceed the sound level set forth in section 386 of the vehicle and traffic law and the rules adopted pursuant to such section.

Mr. Santis denied the violation with no rebuttal.

I credit Petitioner's sworn statement and find it establishes a violation of the cited section of law. I find that Respondent did not establish a defense or rebuttal to the charge.

Accordingly, I find Respondent in violation of the cited section of law and impose the mandatory penalty.

J. Gawthrop

07/28/2025

07/28/2025

Janet Gawthrop, Hearing Officer

Date