



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000732038R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DFS LOGISTICS LLC Hearing Date: 07/28/2025 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
000732038R	Sustained	07/22/2022	337 10 AVENUE Manhattan

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

Findings of Fact & Conclusions of Law

Joshua Santis, attorney, appeared on behalf of the Respondent, DFS Logistics LLC, and John McLaughlin appeared on behalf of the Petitioner, DEP, at a remote hearing held on 7/28/2025.

Respondent was charged with idling a truck with ME license plate 263564F for more than three (3) minutes at 337 10th Avenue, Manhattan in violation of AC 24-163.

AC 24-163 provides that:

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle longer than three minutes...unless the engine is used to operate a loading, unloading, or processing device.

Mr. McLaughlin submitted a video (viewed by all), photographs of the side of the vehicle with company name, front and back of vehicle, rear license plate, and Idling Complaint. (Ex 1).

Mr. Santis stated that after reviewing the video and Petitioner's evidence, Respondent denied the charge with no rebuttal.

I credit Petitioner's sworn statement and evidence and find they establish 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.



07/31/2025

07/31/2025

Janet Gawthrop, Hearing Officer

Date