



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000803334R et al. (3 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 10/29/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,300.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000803334R	Sustained	08/16/2023	253 Tenth Avenue., Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000803414R	Sustained	08/10/2023	E Houston St between Forsyth St and Eldridge St,

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000818058L	Sustained	11/07/2023	ON BAXTER AVEBETWEEN BROADWAY

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

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

A telephonic hearing was held on October 29, 2024.

There was no appearance on behalf of Petitioner.

Respondent was represented by Michael Nacmias, Esq. who denied the violation without presenting a rebuttal.

Under summons 000803334R, Respondent was charged with causing or permitting the idling of motor vehicle with NY license plate #16241ML for more than three minutes on 08/16/2023 at 253 Tenth Avenue.

Under summons 000803414R, Respondent was charged with causing or permitting the idling of motor vehicle with NY license plate #3123222 for more than three minutes on 08/10/2023 on E Houston St between Forsyth St and Eldridge St.

Under summons 00818058L, Respondent was charged with third offense of causing or permitting the idling of motor vehicle with IN license plate #2829166 for more than three minutes on 11/7/2023 on Baxter Ave between Broadway and Layton St.

Here, I credit the summonses and find that the same are sufficient to establish the charged violations. I find that credible contrary evidence or a valid legal defense was not presented. Accordingly, the summonses are SUSTAINED and \$350 penalty is imposed per summonses ending 334R and 414R and \$600 penalty imposed for summons ending 058L.



11/08/2024

11/08/2024

Simone Archer, Hearing Officer

Date

