



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: 000824495K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE Hearing Date: 12/13/2024 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
000824495K	Sustained	12/22/2023	Horace Harding Expressway S betw Springfield Blvd and 224th Street Queens

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

Findings of Fact & Conclusions of Law

Respondent **PENSKE** appeared at a remote telephonic hearing by its authorized representative Mr. Chia Han Lin of the Nacmias Law Firm.

There was no appearance by Petitioner NYC Dept. of Environmental Protection.

Respondent is charged with a violation of NYC Adm. Code 24-163 for allegedly causing or permitting the engine of the vehicle cited in the Summons to idle for more than 3 minutes while parked, standing, or stopped.

Mr. Lin stated that prior to this hearing Respondent had received Petitioner's evidence for this Summons.

Mr. Lin stated that after reviewing the evidence, Respondent denies the violation, but he presented no facts to rebut the allegations in the Summons and he presented no valid legal defense to the charge.

I credit the unrefuted allegations in the Summons and find Respondent in violation.

Accordingly, the Summons is sustained, and the approved penalty is imposed.



12/13/2024

12/13/2024

Jerilyn F. Rubin, Hearing Officer

Date