



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                          |                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chia-Han Lin - Nacmias Law Firm, PLLC</b><br>592 Pacific Street<br>brooklyn, NY 11217 | <b>Summons No: 000825132X et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE LEASING &amp; RNTL CO</b><br><br><b>Hearing Date: 12/12/2024</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$350.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE             |
|------------|---------------------|--------------------|---------------------------------|
| 000825132X | Sustained           | 12/21/2023         | 120 WEST 105th Street Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT    | PENALTY  |
|-----------|-----------|-------------------|-----------|----------|
| 1         | BA11      | 24-163 (F)        | Sustained | \$350.00 |

**Findings of Fact & Conclusions of Law**

Petitioner appeared by Inspector L. Smith.

The respondent appeared by Mr. C. Lin, from The Nacmias Law Firm.

The summons charges a violation of AC 24-163 (f), for idling of motor vehicle for more than one minute adjacent to PS 145. Truck with NJ License Plate XKTP88, first offense.

Petitioner presented the following (P. Evidence):

- 1.Affirmation of Citizen's Complaint
- 2.Photos of license plate and company name.
- 3.Video.

Petitioner stood by the sworn to statement contained in the summons and the above referenced evidence.

Mr. Lin moved for a dismissal arguing the evidence presented by petitioner fails to establish the cited license plate is registered to the respondent. Inspector Smith emailed a copy of the plate registration from nycep.crm.dynamics.com, (P. Evidence). She noted the record establishes the cited plate is registered to the respondent. Mr. Lin then stated he had nothing further to add.

I find petitioner established the charge. The summon is sustained.



12/16/2024

12/16/2024

Elizabeth Garcia, Hearing Officer

Date