



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000853217N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- FJD HD INC Hearing Date: 08/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000853217N	Sustained	03/09/2024	165 FRONT STREET Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) was unrepresented.

Respondent FJD HD INC appeared by authorized representative JOSHUA SANTIS of the Nacmias Law Firm, PLLC.

Respondent was charged with a violation of § 24-163 of the Administrative Code of the City of New York (Code) for idling motor vehicle for longer than three minutes. This was charged as a third and subsequent offense.

I find the Issuing Officer's sworn-to summons narrative to be credible and persuasive.

Respondent did not challenge the third and subsequent offense designation, and stated that prior to this hearing he had reviewed the evidence supplied by the NYC DEP, and denied the violation without rebuttal.

Once Petitioner established its prima facie case, the critical inquiry became whether any credible evidence in the record, such as testimony or an affidavit from the vehicle's driver, refuted Petitioner's case or otherwise established an affirmative defense. Respondent offered nothing to refute that the vehicle was idling for longer than three minutes. Here petitioner has submitted affirmed statements of firsthand knowledge or observation to support Petitioner's allegation of idling. In the absence of probative evidence to contest Petitioner's case, the summons is SUSTAINED.

The credible evidence, here the sworn-to summons narrative of the Issuing Officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and I impose the third and subsequent offense penalty of \$600.

Mark Goichman

08/12/2025

08/12/2025

Mark Goichman, Hearing Officer

Date