



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000911257K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date: 07/02/2025 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
000911257K	Sustained	06/05/2024	63 WEST 17 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Respondent, Hugh O'Kane Electric Co Inc. was issued the above summons alleging a violation of the NYC Administrative Code §24-163. Joshua Santis appeared remotely as the Respondent's authorized representative. John McLaughlin appeared remotely on behalf of the Petitioner.

The details of the summons allege the Respondent caused or permitted the idling of a motor vehicle for longer than 3 minutes. The summons charges a 3rd offense.

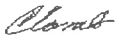
The petitioner submitted as evidence a time-stamped video, citizen's complaint, photographs, proof of the prior violations and

Respondent's DOS information.

Respondent's representative argued that the video evidence shows the cited truck parked next to a manhole where it appears men were working and that the engine must have been needed to operate required device. The Petitioner argued that no evidence of a processing device was submitted that would allow an exemption to the rule but rather the video evidence merely shows workers standing near the manhole. The Respondent did not contest the respondent's allegation.

I credit the findings of the issuing officer and find that the cited condition did exist. Respondent failed to submit evidence of the use of a processing device at the time of the cited occurrence that would allow an exemption from the idling rules. I credit the Petitioner's evidence of the prior violations.

Accordingly, the summons is sustained.



07/24/2025

07/24/2025

Christine Corrado, Hearing Officer

Date