



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000911047M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date: 06/30/2025 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
000911047M	Sustained	06/04/2024	872 BROADWAY Manhattan

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

Findings of Fact & Conclusions of Law

Authorized Representative Joshua Santis appeared on behalf of Respondent, HUGH O'KANE ELECTRIC CO INC., for a hearing on June 26, 2025. Petitioner, Department of Environmental Protection ("DEP"), waived their appearance via email.

Respondent is charged with NYC Administrative Code Section 24-163.

Summons alleges that observed Respondent caused or permitted the idling of a motor vehicle while parked, or stopped... 3rd and subsequent offense.

Respondent argued that the video that they reviewed indicates workers actively working and moving around. Respondent argued that something is connected to the manhole.

NYC Administrative Code Section 24-163 provides, in relevant parts, that no person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes....

I credit the details of the summons and Petitioner's evidence. I find that Respondent did not have a valid defense to the charge and the engine of vehicle was idle for longer than three minutes. I find Respondent submitted no supporting evidence to establish that there was a processing device in use to require the engine to be idle. I find that "workers actively working and moving around" is not sufficient reason to excuse the summons.

Accordingly, the Summons is sustained and a standard penalty of \$600 is imposed as a third and subsequent offense.

Iyayi Uwa

07/07/2025

07/07/2025

Iyayi Uwa, Hearing Officer

Date