



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS  
Hearings Division

DECISION

|                                                                                          |                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>JOSHUA SANTIS - NACMIAS LAW FIRM PLLC</b><br>592 PACIFIC STREET<br>Brooklyn, NY 11217 | <b>Summons No:</b> 000878719Y et al. (1 Summons)<br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>HUGH C'KANE ELECTRIC CO INC</b><br><br><b>Hearing Date:</b> 07/03/2025<br><br><b>Hearing Location:</b> Remote<br><br><b>Type of Hearing:</b> By Telephone |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount:</b> \$600.00        |
| <b>Community Service(Hr):</b> Not Applicable |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                                    |
|------------|---------------------|--------------------|--------------------------------------------------------|
| 000878719Y | Sustained           | 02/28/2024         | On 34th Street btwn Queens Blvd and 47th Avenue Queens |

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

**Findings of Fact & Conclusions of Law**

Joshua Santis appeared as the authorized representative of the named respondent and Inspector Smith appeared for the Department.

The summons cites a violation of 24-163 as a third offense.

The Petitioner submitted photos, priors, vehicle information, and the idling summons affidavit and complaint.

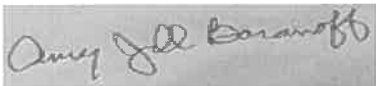
A video which exceeded three minutes was read into the record and described.

The respondent challenged one of the priors, 55R, insofar as it appears to cite a different respondent, Hugh OB Kane Electric Inc, instead of Hugh O'Kane Electric Inc.

The petitioner contended that it appeared that this was a typographical error, and noted that the registration number and the license number were the same.

I find the prior 55R is valid. The instant summons and 55R both say Hugh O'Kane Electric Inc, and I believe that the discrepancy was a mere data entry error when the case information was transferred into the OATH system.

Insofar as there was nothing further on the merits, I find the sworn account of the issuing officer to be credible, and that it establishes the charge. The respondent failed to set forth a valid legal defense. The summons is sustained as a third offense.



07/03/2025

07/03/2025

Amy Jill Baranoff, Hearing Officer

Date