



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000875675H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORP Hearing Date: 06/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000875675H	Sustained	11/03/2023	2 Manhattan West Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Summons: 000875675H

Hearing date: 6/26/25

Appearing for petitioner: NA (Waived)

Witness(es):

Appearing for respondent: J. Santis, as authorized representative

Witness(es):

The charge dated 11/3/2023, was idling for more than three minutes, first offense. Petitioner stated it relied on the summons and sworn statement of the issuing inspector.

Respondent testified there was a processing device in operation, namely a step to assist workers unload the contents. The workers were using their arms to unload. Respondent testified it had viewed Petitioner's videotape.

Findings of Fact and Conclusions of Law:

I credit the statement of facts in the summons. I find that the use of a step is not use of a processing device.

Accordingly, I sustain the charge.



06/26/2025

06/26/2025

Clive Morrick, Hearing Officer

Date