



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000915100K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NESTLE WATERS CO Hearing Date: 07/28/2025 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
000915100K	Sustained	06/21/2024	33 CLINTON ST Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Joshua Santis, attorney, appeared on behalf of the Respondent, Nestle Waters Co., and John McLaughlin appeared on behalf of the Petitioner, DEP, at a remote hearing held on 7/28/2025.

Respondent was charged with idling a truck with NY License Plate # 65137MM while adjacent to St. Ann's School for more than one (1) minute at 33 Clinton Street, Brooklyn in violation of AC 24-163(f).

AC 24-163(f) provides that:

(f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred.

Mr. McLaughlin submitted a video (viewed by all), photographs of the passenger side of the vehicle with logo, rear license plate, and sign for door to St. Ann's School, and Citizen's Idling Complaint. (Ex 1).

Mr. Santis stated that after reviewing the video and Petitioner's evidence, Respondent denied the charge with no rebuttal.

I credit Petitioner's sworn statement and evidence and find they establish a violation of the cited section of law. I find that Respondent did not establish a defense or rebuttal to the charge.

Accordingly, I find Respondent in violation of the cited section of law and impose the mandatory penalty.



07/28/2025

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Janet Gawthrop, Hearing Officer

Date