



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 Pacific Street - 1st Floor Brooklyn, NY 11217	Summons No: 000910869R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 07/01/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000910869R	Sustained	06/03/2024	115 WEST 30 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

The hearing was held on June 27, 2025

Petitioner did not appear.

The respondent appeared by Joshua Santis from Nacmias Law Firm. He stated petitioner- DEP had previously emailed the evidence for this summons. He reviewed same and did not have any objection.

The summons charges a second violation of AC 24-163 for idling of truck for more than three minutes, NY License Plate

13233NB.

The summons cites prior summons 0008-051-59H, as the second violation, which was issued to the same respondent on 8.15.23, same license plate, and after a hearing was upheld. Pursuant to DEP guidelines, violations of Section 24-163, a second offense is a violation by the same respondent within three years of the date of occurrence of the prior violation (s) and involving the same vehicle, where the prior violation(s) was for a violation of Section 24-163.

In this case, the instant summons was issued on June 3, 2024, and the prior summons, classified as the second violation was issued on 8.15.23, thus it is within the time frame designated for a second offense, the summonses were issued to the same respondent, and the same license plate.

After reviewing the record and DEP evidence, Mr. Santis stated the respondent denied the charge and had no rebuttal.

I find petitioner established this violating condition, and that it properly designated as a second violation. A second offense penalty is imposed.

E. Garcia

07/02/2025

07/02/2025

Elizabeth Garcia, Hearing Officer

Date