



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                          |                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>JOSHUA SANTIS - NACMIAS LAW FIRM PLLC</b><br>592 PACIFIC STREET<br>NEW YORK, NY 11217 | <b>Summons No: 000911511R et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE TRUCK LEASING CO LP</b><br><br><b>Hearing Date: 07/01/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$350.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>                      |
|------------------|----------------------------|---------------------------|-------------------------------------------------|
| 000911511R       | Sustained                  | 09/17/2024                | ON WEST 46TH STREET<br>BETWEEN 6TH<br>Manhattan |

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

**Findings of Fact & Conclusions of Law**

On July 1, 2025, Joshua Santis, a registered representative, appeared on behalf of Respondent, Penske Truck Leasing Co LP, for a remote hearing by telephone. Petitioner did not appear, relying on the Issuing Officer's affirmed statements in the summons.

Respondent was charged with violation of §24-163(f) of the Administrative Code of the City of New York for idling of motor vehicle engine for more than one minute while adjacent to school.

The Issuing Officer affirmed in the summons that on September 17, 2024, "Respondent caused or permitted the idling of a

motor vehicle parked, standing or stopped while adjacent to Jacqueline Kennedy Onassis High School. As per DEP records, citizen observed TRUCK with IN License Plate # 3408250 idling for longer than one minute from 9/17/2024 2:50:11 PM to 9/17/2024 2:52:38 PM at on West 46th Street between 6th Avenue and 7th Avenue."

Respondent's representative denied the charge without rebuttal.

I credit the Issuing Officer's statements in the summons, which establish that the vehicle's engine had been idling for longer than one minute while adjacent to a school in violation of Code § 24-163(f). Respondent submitted no credible evidence to refute the charge.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than one minute while adjacent to a school in violation of §24-163(f), and I impose a standard penalty of \$350.00.

Wherefore, the summons is hereby sustained accordingly.



07/11/2025

07/11/2025

Sooyung Lee, Hearing Officer

Date

