



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000848228M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date: 07/14/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000848228M	Sustained	03/12/2024	INTERSECTION OF 5 AVAND W 45 ST Manhattan

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

Findings of Fact & Conclusions of Law

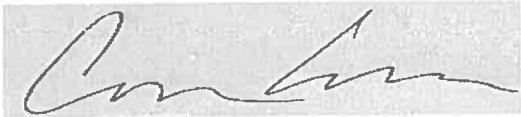
Joshua Santis appeared on behalf of Respondent for a phone hearing on July 14, 2025 in response to the above-issued summons. Senior Insp. Antwan Gibbs appeared on behalf of Petitioner Department of Environmental Protection.

Petitioner relied on the sworn statements contained in the summons. Petitioner submitted video evidence of the idling vehicle; the citizen complaint; and photos showing the vehicle and license plate.

Respondent claimed that the truck does not appear to be on during the video; a vehicle nearby is idling; and no one is inside the vehicle. Respondent did not contest the underlying violations.

Petitioner claimed that there is an audible engine sound throughout the video, and that the lack of engine noise does not make the summons defective.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's argument, and find that the vehicle is idling in violation of law. Therefore, the summons is sustained and a third offense penalty is imposed.

 07/14/2025	07/14/2025
Corey Lederman, Hearing Officer	Date