



Office of Administrative Trials and Hearings
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000912713J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL I Hearing Date: 07/10/2025 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
000912713J	Sustained	06/04/2024	ON WEST 28TH STREETBETWEEN 6TH Manhattan

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

Findings of Fact & Conclusions of Law

Joshua Santis, authorized representative, appeared via Court Call on 07/10/25. Dantney Parks appeared on behalf of DEP.

Mr. Santis waived his right for counsel and need for translation services. Mr. Santis further waived his right to request the presence of the Issuing Officer.

Summons # 000912713J was issued on 6/4/24 in violation of §24-163.

Ms. Parks submits an evidence packet and Ms. Parks stands by the violation and recommends the standard penalty.

Mr. Santis states that a processing device was in use at the time of issuance.

I credit Issuing Officers statements made within the summons. The vehicle must be "actually engaged" in the exempted activity during the idling period. Although the bins were on the flatbed, the processing device wasn't in active use at issuing time. Based on the facts and law, this summons is sustained.

Malka Daniel

07/28/2025

07/28/2025

Malka Daniel, Hearing Officer

Date