



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000923856K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DHL EXPRESS USA INC. Hearing Date: 10/10/2025 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
000923856K	Sustained	10/24/2024	75 BRIDGE STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

Respondent, DHL Express (USA) Inc., was issued a summons for violating NYC Administrative Code Section 24-163(f), Idling of motor vehicle engine for more than 1 minute while adjacent to a school – 3rd or subsequent offense, for a Truck with NY License Plate # 12943ML observed on October 24, 2024, from 1:56 p.m. to 1:57 p.m., at 75 Bridge Street, in Brooklyn, New York. The Issuing Officer noted on the summons that Respondent has 2 prior violations for the same offense.

Section 24-163(f) states that "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."

At the hearing, Petitioner, NYC Department of Environmental Protection, was represented by Andy Guzman. Nora Brown appeared on behalf of the Respondent, DHL Express (USA) Inc., as the authorized representative.

Petitioner relied upon the information contained in the summons and submitted as evidence in support 3 photos showing the license plate, company name and address, and the school; the redacted Idling Complaint; and a video (Petitioner's Exhibit 1). Inspector Guzman stated that you can hear audible engine noise and there was no processing device in use or loading/unloading taking place on the video. Additionally, you can see at the end of the video the school located on the same block.

Ms. Brown stated that she watched the video and Respondent will deny the violation and offered no rebuttal evidence or defense. Additionally, Respondent is not contesting the prior violations.

I credit the testimony and evidence submitted in this matter. I find that Petitioner established the violation of the cited Code and Respondent did not offer any evidence or defense or contest the prior violations.

Accordingly, this summons is Sustained and the 3rd offense penalty is imposed.

Eva Marie Russo-Lane

10/14/2025

10/14/2025

Eva Marie Russo-Lane, Hearing Officer

Date