



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MABEL OGHOJAFOR - NACMIAS LAW FIRM PPLC 592 PACIFIC ST - 1ST FL BROOKLYN, NY 11217	Summons No: 000815851N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DESANTIS DESPATCH CORP Hearing Date: 02/03/2025 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
000815851N	Sustained	10/11/2023	Intersection of Cadman Plaza W & Pierrepont St Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner NYC Department of Environmental Protection appeared by Michael Grosso and respondent Desantis Despatch Corp appeared by Mabel Oghojafor. The summons alleged a first violation of NYC Administrative Code 24-163, observing respondent's motor vehicle (NJ # XJHX35) idling in excess of three minutes from 1:19:50pm to 1:23:10pm on October 11, 2023 at the intersection of Cadman Plaza West and Pierrepont Street..

Petitioner's evidence package included a redacted idling complaint, photos and a video (Ex 1).

Respondent, denied the charge, urging that the video shows the driver in the back of the truck, loading and unloading .

Petitioner urged the video showed no active loading and unloading using of the rear lift gate, and thus the "processing" affirmative defense was not established. I concur, and add that my view of the video indicated no loading or unloading.

I credit petitioner's evidence and find it supports a violation of the cited section of law. The summons is sustained and a penalty of \$350.00 is assessed.

<i>Seth J. Cummins</i>	
02/05/2025	02/05/2025
Seth Cummins, Hearing Officer	Date