



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: 000776135N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ECOLAB Hearing Date: 12/24/2024 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
000776135N	Sustained	05/03/2023	41st AVENUE between 78th STREET and 79th STREET Queens

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared for Respondent. Inspector Leah Smith appeared for Petitioner DEP.

Respondent was cited for violating AC 24-163 for idling of motor vehicle engine for more than 3 minutes. This is the first offense.

Inspector Smith submitted the redacted idling complaint, the summons and affirmation of service, 2 photos, and the video (Exhibit 1).

Mr. Nacmias stated that the video is 3 minutes and 15 seconds long. He argued that it is not clear that the engine was running for the entire video.

Inspector Smith stated that the video only has to be 3 minutes and 4 seconds long. She submitted the NYC idling complaint program guideline (Exhibit 2). She argued that the video only has to show idling for 3 minutes and 1 second. She stated that the tail pipe was dripping.

Respondent did not establish a defense. Respondent submitted no evidence that the engine was not running during the cited time period. The summons is sustained.

Viven Chiu

12/26/2024

12/26/2024

Viven Chiu, Hearing Officer

Date