



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000786674L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ASE HVAC INC Hearing Date: 08/11/2025 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
000786674L	Sustained	07/01/2023	128 WEST 56 STREET Manhattan

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 (DEP) did not appear. Respondent ASE HVAC INC. appeared and was represented by Joshua Santis.

The summons alleges a violation of Administrative Code section 24-163 for IDLING OF MOTOR VEHICLE ENGINE MORE THAN THREE MINUTES 1ST OFF

Mr. Santis said Respondent denies the allegations with no evidence in rebuttal.

Pursuant to Administrative Code section 24-163, it is a violation for the engine of a "motor vehicle" to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device.

I find Petitioner established a prima facie case. I credit the summons and find it establishes a violation. I find Respondent did not establish a defense.

Accordingly, the summons is sustained.

Rachel L Berger

08/11/2025

08/11/2025

Rachel Berger, Hearing Officer

Date