



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSHUA SANTIS - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000845380N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- JMI CONTRACTING CORP Hearing Date: 07/28/2025 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
000845380N	Sustained	01/17/2024	392 Second Ave 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, attorney, appeared on behalf of the Respondent, JMI Contracting Corp., and John McLaughlin appeared on behalf of the Petitioner, DEP, at a remote hearing held on 7/28/2025.

Respondent was charged with idling a truck with NY license plate #28763ML for more than three (3) minutes at 392 2ND Ave., Manhattan in violation of AC 24-163.

AC 24-163 provides that:

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle longer than three minutes...unless the engine is used to operate a loading, unloading, or processing device.

Mr. Santis denied the violation with no rebuttal.

I credit Petitioner's sworn statement and find it establishes a violation of the cited section of law. I find that Respondent did not establish a defense or rebuttal to the charge.

Accordingly, I find Respondent in violation of the cited section of law and impose the mandatory penalty.



07/28/2025

07/28/2025

Janet Gawthrop, Hearing Officer

Date