



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: 000873318K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- SANCOCHO SNACKS Hearing Date: 03/12/2026 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
000873318K	Sustained	02/08/2024	ON SMITH STREET B/W LIVINGSTON & FULTON STREETS Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner appeared by DEP representative Dentney Parks. Respondent, SANCOCHO SNACKS, appeared by its attorney, Michael Nacmias Esq., to answer the a charge of allowing its truck to idle for more 3 minutes without any mechanical movement while parked, standing or stopped

Ms. Parks stated that the charge was based on a citizen complaint and submitted pictures of the cited truck and location; the citizen affidavit; and a time-stamped video of the incident (see Pet. Exhs A, B & C). It is noted that the time-stamped was unable to be uploaded onto OATHs ATAS platform. I however viewed thge video during and after the hearing.

Mr. Nacmias moved to dismiss the summons on the grounds of improper/defective service, stating that Petitioner did not mail a copy of the summons to Respondent address as provided with the Department of State, 18-26 21ST DRIVE, ASTORIA, NY, UNITED STATES, 11105 (see Resp. Exh. A).

Ms. Parks stated that Petitioner mailed a copy of the summons to Respondent's address as provided by the Department of Motor Vehicles, 14, COMPASS ALNE LEVITTOWN NY 11756 (see Pet. Exh. D).

Mr. Nacmias presented nothing on the merits of the summons.

I credit the allegation in the summons as well as the testimony and evidence presented by Ms. Parks. I find that service was proper in that Petitioner mailed a copy of the summons to an address Respondent provided to the Department of Motor Vehicles. I further find that Respondent has neither rebutted the charge nor established a defense to the violation. Accordingly, I find that Respondent's truck improperly idled for more than three (3) minutes on the day in question, while parked, standing or stopped. Accordingly, the summons is SUSTAINED..



03/17/2026

03/17/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date