



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: 000925463Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- UNION BEER DISTRIBUTORS Hearing Date: 03/03/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000925463Z	Dismissed	06/25/2024	125 ST MARKS PLACE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The New York City Department of Environmental Protection did not appear at the hearing, which was held by telephone. They waived their appearance at the hearing by email.

Ilma Babu appeared under oath as the authorized representative of the respondent. She made a motion to dismiss and submitted the video which she obtained on the DEP public access website. She stated that the video does not show a school on the block, and the DEP did not submit any other evidence because they waived their appearance at the hearing.

Respondent is charged with idling of a vehicle, with license plate NY # 82585MM for more than 1 minute while parked,

stopped, or standing adjacent to a school under Code 24-163 (f), as a third offense.

I find that petitioner has not made out a prima facia case and the face of the summons and video does not credibly establish that there was a school on the block.

I grant Ms. Babu's motion to dismiss.

I find that petitioner has not made out a prima facia case that the cited vehicle was idling adjacent to a school, and as such the summons is dismissed.



03/05/2026

03/05/2026

Keith J. Ludwiczak, Judicial Hearing Officer

Date