



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000829947P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER LLC Hearing Date: 05/26/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000829947P	Sustained	11/22/2023	91 Emerson Place Brooklyn

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

Findings of Fact & Conclusions of Law

CERTIFIED LUMBER LLC

000829947P

Respondent is charged with a 1st-offense violation under NYC AC 24-163.

Leah Smith appeared on behalf of Petitioner. Ilma Babu (authorized representative) appeared on behalf of Respondent.

Ms. Smith submitted photos, the relevant citizen complaint, and a video, which was viewed by all parties but could not be uploaded due to technical limitations. She argued the engine of the cited vehicle is audible throughout the video, and although the vehicle does have a processing device, it was not in use at the time, so the truck was idling.

Ms. Babu stated Respondent was engaged in active work at the time and needed the engine on to be able to move the truck forward and backward, if necessary, so the second truck could load and unload onto it.

Ms. Smith argued anticipation of movement is not a defense.

Ms. Babu offered nothing further.

I credit the details as alleged in the summons as well as Ms. Smith's argument and submitted evidence and find Respondent failed to rebut them.

Therefore, the summons is SUSTAINED.

The 1st-offense penalty is imposed.



06/08/2026

06/08/2026

Susan Brand, Judicial Hearing Officer

Date