



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

|                                                                                    |                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592PACIFIC STREET<br>Brooklyn,NY 11217 | <b>Summons# : 000958915L et al. (1 summonses)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>ACE TRAVEL INC</b><br><br><b>Hearing Date : 3/25/2026</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                      |                                              |
|--------------------------------------|----------------------------------------------|
| <b>Total Penalty Amount :</b> 600.00 | <b>Community Service(Hr):</b> Not Applicable |
|--------------------------------------|----------------------------------------------|

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                 |
|------------|---------------------|--------------------|-------------------------------------|
| 000958915L | Sustained           | 06/21/2024         | 87 W31ST ST & 8TH AVE,<br>Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1F      | 24 -163             | Sustained | 600.00  |

**Total Penalty for Summons: 600.00**

### Findings of Facts & Conclusions of Law

I sustain the summons and impose the \$600.00 statutory third offense penalty.

Ilma Babu (Representative) appeared at the teleconference hearing for respondent ACE TRAVEL INC (Respondent). Representative waived her rights to translation services, an attorney and the presence of the issuing officer. Antwan Gibbs appeared telephonically for petitioner New York City Department of Environmental Protection (DEP).

Respondent was cited for a third offense violation of Section 24-163 of the Administrative Code of the City of New York (Code) for a motor vehicle's engine idling longer than three minutes.

Code Section 24-163(a) provides, in pertinent part, that "No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes." Petitioner may issue a summons based on a complaint filed by a citizen together with evidence of such violation. See Code Section 24-182(a)-(b); Academy Lines LLC, 1900531.

Code Section 24-163(a) provides, in pertinent part, that:

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

Code Section 24-104 defines "process" as:

"any industrial, commercial, agricultural or other activity, operation, manufacture or treatment in which chemical, biological and/or physical properties of the material or materials are changed, or in which the material(s) is conveyed or stored without changing the material(s) (where such conveyance or storage system is equipped with a vent(s) and is non-mobile), and which emits air contaminants to the outdoor atmosphere. A process does not include an open fire, operation of a combustion installation, or incineration of refuse other than by-products or wastes from processes."

Code Section 24-182(a) provides:

"Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections 24-143 and 24-163 of this code, but still applicable . . . trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation." See also Academy Lines LLC, 1900531 (petitioner may issue a summons based on a complaint filed by a citizen together with evidence of such violation).

Petitioner relied on the summons to establish the violation. In addition to the summons, Petitioner submitted: (i) seven photos; (ii) the redacted complaint; (iii) the cited prior violations; and (iv) a 3min45sec video of the

purportedly idling vehicle (the video was not uploaded into ATAS due to technological and storage limitations). Representative did not dispute the factual allegations in the summons but testified that it was the middle of the summer and the engine was on to run the air conditioner for the comfort of the passengers. I find that Representative's testimony is not credible or persuasive and fails to rebut the summons or establish a meritorious defense to the alleged violation. I credit the summons and Petitioner's documentary, photographic and videographic evidence and find that Petitioner has established a first offense violation of Code Section 24-163 by a preponderance of the evidence. Accordingly, I sustain the summons and impose the \$600.00 statutory third offense penalty.



03/30/2026

03/30/2026

Thomas Finn, Judicial Hearing Officer

Date