



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

ILMA BABU - NACMIAS LAW FIRM PLLC  
592 PACIFIC STREET FIRST FLOOR  
BROOKLYN, NY 11217

Summons# : 000916123H et al. (2 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

GREEN & WHITE BOUTIQUE LINEN

Hearing Date : 12/12/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,200.00

Community Service(Hr): Not Applicable

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 000916123H | Sustained              | 06/18/2024         | 150 W. 48TH STREET,<br>Manhattan |

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

Total Penalty for Summons: 600.00

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                |
|------------|------------------------|--------------------|------------------------------------|
| 000916397P | Sustained              | 06/21/2024         | 166 WEST 48TH STREET,<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

This remote hearing was conducted on December 8, 2025. Respondent (Green White Boutique Linen) appeared by authorized representative, Ilma Babu. Inspector Monica Dorson appeared for Petitioner (DEP).

For summons #000916123H, Respondent was charged with a repeat violation of 24-163 (3rd and subsequent offense). "Respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped. As per DEP records, citizen observed TRUCK with NJ License Plate #XGVG23 idling for longer than three minutes from 6/18/2024 10:12:49 PM to 6/18/2024 10:16:20 PM at 150 W 48th St." The predicate summonses are #000714792J and #000800488X. See: Hearing Officer Exhibit #1 (Summons copy).

For summons #000916397P, Respondent was charged with a repeat violation of 24-163 (3rd and subsequent offense). "Respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped. As per DEP records, citizen observed TRUCK with NY License Plate #XGVG23 idling for longer than three minutes from 6/21/2024 10:26:18 PM to 6/21/2024 10:30:50 PM at 166 W. 48th St." The predicate summonses are #000714792J and #000783000L. See: Hearing Officer Exhibit #2 (Summons copy).

M. Dorson submitted Petitioner's evidence packages. For summons #23H, Ms. Dorson submitted the redacted NYC Citizen Idling Complaint; a copy of the summons and Affidavit/Certificate of Service; copies of the Summonses and Notices with ECB Hearings records for predicate summons #92J and #88X; a photo of the side of Respondent's vehicle displaying Respondent's name and USDOT number; a photo of the license plate. See: Pet. Ex. #1-#6. Ms. Dorson also submitted a video (3 minutes and 34 seconds). All participants viewed the video.

For summons #97P, Ms. Dorson submitted the redacted Complaint; a copy of the summons and Affidavit/Certificate of Service; the Summonses and Notices for predicate summonses #92J and #00L; a screenshot of Respondent's name displayed on the vehicle; a screen shot of the license plate. See: Pet. Ex. #7-#12. M. Dorson also submitted a video (4 minutes and 31 seconds). All participants viewed the video.

Ms. Dorson relied on the faces of the summonses and stated that the videos present "clear and convincing evidence" that the sound was audible (longer than three minutes), and there were no processing devices. Specifically, Ms. Dorson stated that the processing device (depicted at the rear of the vehicles) was "flat on the ground", and it was not in use.

Ms. Badu stated that she was not sure (that the processing device was not in use) because the video does not go to the back.

Both parties requested that the statements made for summons #23H be incorporated by reference for summons #97P.

Ms. Badu did not contest the predicate summonses for either of the subject summonses.

Based on the record before me, I credit the citizen complainants' affirmations contained in the NYC Citizen Idling Complaints for both summonses. I find that Respondent failed to present any credible evidence to refute the factual allegations contained in the summonses, nor did Respondent establish any affirmative defenses for either summons. Moreover, in both videos, the vehicle's engine was audibly running for longer than three (3) minutes. Furthermore, although the citizen complainants did not stand directly at the rear of the vehicle on either of the cited dates, the video camera was angled so that it captured the rear of the vehicle while the complainant stood a few feet away on the sidewalk. It appears that there may have been a processing device placed on the ground at the rear of the vehicle. However, this device was clearly not being used, nor were there any ongoing loading/unloading activities. Accordingly, I sustain these two (2) summonses and impose the 3rd and subsequent offense penalties.

*J Beck-Wall*

12/12/2025

12/12/2025

Joan B Beck-Wall, Judicial Hearing Officer

Date