



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 000882069N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- P CITYWIDE CONTAINER SERVICE COR Hearing Date: 12/24/2025 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
000882069N	Sustained	06/19/2024	ON 6TH AVENUE BTWN WEST HOUSTON ST / BLEECKER ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA11	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Petitioner did not appear. Respondent appeared through registered representative Ilma Babu.

Summons 000882069N charged a violation of Administrative Code §24-163(f), prohibiting the idling of a motor vehicle engine adjacent to a school or park for longer than 1 minute.

The summons alleges that a citizen observed a truck with NY license plate 41657PF idling for longer than one minute next to a school, specifically, from 9:05:39 AM TO 9:07:19 AM on 6th Avenue between West Houston Street and Bleecker Street, adjacent to Little Red School House and Elizabeth Irwin High School. This was charged as a first offense.

Respondent argued that the alleged idling time, and the time of the video that Petitioner provided them, did not establish three minutes of idling. She also argued that there was too much movement during the video to establish a prima facie case of the violation.

Code § 24-163(f) prohibits idling a motor vehicle engine for longer than one minute adjacent to a school or park while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device.

The issuing officer's affirmed statement established a prima facie case of the violation. See 48 RCNY § 6-12(b). The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense. See 48 RCNY § 6-12(a).

Petitioner needed only to establish one minute of idling at this location. The video moves about in part to show the school that the truck is adjacent to. Respondent has not established a defense to the charge.

Accordingly, the summons is sustained and the penalty for a first offense will be imposed.



12/24/2025

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Theresa Leary, Judicial Hearing Officer

Date