



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                    |                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592PACIFIC STREET<br>NEW YORK,NY 11217 | <b>Summons No: 000927556R et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>P CITYWIDE CONTAINER SERVICE COR</b><br><br><b>Hearing Date: 12/10/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount:\$350.00</b>         |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>                                    |
|------------------|----------------------------|---------------------------|---------------------------------------------------------------|
| 000927556R       | Sustained                  | 02/11/2025                | ON BROADWAY BETWEEN W<br>109TH ST AND W 108TH ST<br>Manhattan |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BA1I                 | 24-163 (F)                   | Sustained     | \$350.00       |

**Findings of Fact & Conclusions of Law**

Ilma Babu appeared on behalf of Respondent for a phone hearing on December 10, 2025 in response to the above-issued summons. Inspector John McLaughlin appeared on behalf of Petitioner Department of Environmental Protection.

Petitioner relied on the sworn statements contained in the summons. Petitioner submitted video evidence of the idling vehicle; the citizen complaint; and photos showing the vehicle and license plate. Petitioner claimed that the engine is audible and there is no activity or work being performed that would necessitate the engine running.

Respondent claimed that the video shows that the truck was actively in use and the park was not easily identifiable as a park

to the driver.

Petitioner claimed that there is no active processing device in use; the vehicle was waiting to be loaded; and there is a sign in the photo and video that shows that there is a park in the area with an identifiable park insignia.

I credit the observations contained in the summons, and the evidence submitted, and find that Petitioner proved this violation by a preponderance of the evidence. I find that the idling vehicle was adjacent to a park under the jurisdiction of the New York City Department of Parks and Recreation, and that the park was easily identifiable. Therefore, the summons is sustained and the standard penalty is imposed.



12/10/2025

12/10/2025

Corey Lederman, Judicial Hearing Officer

Date