



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons# : 000939803N et al. (7 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- NEPTUNE MACHINE INC Hearing Date : 1/20/2026 Hearing Location : Remote Type of Hearing : By Telephone
--	---

Total Penalty Amount :	3,950.00	Community Service(Hr):	Not Applicable
-------------------------------	-----------------	-------------------------------	-----------------------

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000939797X	Sustained	03/07/2025	ON WEST 46TH STREET BETWEEN 5TH AVE AND

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

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000939803N	Sustained	03/06/2025	444 WEST 43 STREET, 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 DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000939927P	Sustained	02/13/2025	565 5 AVENUE, 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 DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000940139M	Sustained	01/24/2025	15 WEST 45 STREET, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000940188Z	Sustained	01/14/2025	CARROLL STREET AND 3 AVE, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	600.00

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000940265N	Sustained	01/07/2025	ON 8TH AVENUE BETWEEN WEST 56TH ST

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

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000940277K	Sustained	09/30/2024	384 WEST 16 STREET, 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

A hearing was conducted by telephone on January 20, 2026. Ilma Babu appeared for the respondent. Michael Grosso appeared for the petitioner.

The summonses ending in 97X, 03N, and 65N each alleged a violation of NYC Admin. Code sec 24-163 in that the respondent's truck was idling while parked or standing for over three minutes; there were two prior violations under 000796327X and 000795382Y. The petitioner presented an evidence packet for all three violations that included video footage of the respondent's truck idling while parked.

As to summons ending in 97X, the respondent argued that the video mostly shows the vehicle's tailpipe, making it unclear whether the vehicle was being used to load or unload anything at the time. The petitioner argued that even if the occupants were loading or unloading something at the time of violation, the vehicle was not engaged in any sort of processing device that would excuse the respondent's vehicle from idling. I agree with the petitioner and credit the petitioner's evidence. Summons ending in 97X is, therefore, upheld, and a penalty of \$600 is imposed.

As to summons ending in 03N, the respondent argued that there were no audible engine noises and stated that the vehicle appears to have been parked. I do not agree with the respondent. I credit the petitioner's evidence, including the video footage, which shows the respondent's vehicle idling. I, therefore, uphold the summons, and impose a penalty of \$600.

As to summons ending in 65N, the respondent denied the allegations without rebuttal. I, therefore, credit the summons allegations, uphold the summons, and impose a penalty of \$600.

The summons ending 27P and 77K alleged a violation of NYC Admin. Code sec 24-163 in that the respondent's truck was idling while parked or standing for over three minutes; there were two prior violations under 000755000N and 000795382Y.

As to summons ending in 27P, the respondent denied the allegations without rebuttal. I, therefore, credit the summons allegations, uphold the summons, and impose a penalty of \$600.

As to summons ending in 77K, the respondent argued that there were no audible engine noises and the sounds in the petitioner's video appeared to be ambient sounds. I disagree and credit the petitioner's evidence, including the video footage, which shows the respondent's truck idling while parked. I, therefore, uphold the summons and impose a penalty of \$600.

The summons ending in 39M alleged a violation of NYC Admin. Code sec 24-163 in that the respondent's truck was idling while parked or standing for over three minutes. The petitioner rested on the summons; the respondent denied the allegations without rebuttal. I, therefore, credit the summons allegations, uphold the summons, and impose a penalty of \$350.

The summons ending in 88Z alleged a violation of NYC Admin. Code sec 24-163(f) in that the respondent's truck was idling while parked or standing for over one minute while adjacent to a school; there were two prior violations under 000796327X and 000795382Y. The petitioner presented an evidence packet that included video footage of the alleged violation. The respondent submitted a written statement from the owner of the respondent-business stating that at the time of violation, there was a driver and another worker in the truck and that one worker was running into a store to purchase equipment and load it into the truck. The statement further states that the adjacent school opens at 8:15 am. The petitioner noted that the respondent would have been prohibited from idling adjacent to a school even during non-school hours and days. I credit the petitioner's evidence and the summons allegations and do not credit the respondent's evidence. This summons is, therefore, upheld, and a penalty of \$600 is imposed.



01/20/2026

01/20/2026

Chin Ho Cheng, Judicial Hearing Officer

Date



Office of Administrative Trials and Hearings
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 25G00057 DEPARTMENT OF CONSUMER AND WORKER PROTECTION, -against- NACMIAS SERVICE CENTER LLC Hearing Date: 01/08/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: \$500.00	Restitution: \$0.00
Suspension/Revocation/Sealing:	

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
25G00057	Sustained	03/07/2025	619 CONEY ISLAND AVE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	OCCUR- RENCE	NO. OF COUNTS	RESULT	PENALTY	SUSPENSION/ REVOCATION/SEALING
1	NA	6 RCNY § 4-63(b)(1)(i) (a)	1	1	Sustained	\$500.00	

Findings of Fact & Conclusions of Law

This is a hearing by phone held January 8, 2026. Respondent, Nacmias Service Center LLC, d.b.a. Mobil, appeared by Frank Tamerino, Esq. Petitioner, DCWP, appeared by Idris Dalhi.

This summons alleges a violation of 6 RCNY 4-63(b)(1)(i)(a).

Petitioner's representative relied on the summons and submitted an evidence packet. See Petitioner's Exhibits. He stated

Respondent is charged with not having the brand name on the sign.

Respondent's attorney inquired as to the penalty.

I informed Respondent's attorney of the penalty as listed on the penalty schedule.

Respondent's attorney denied the violation without rebuttal.

I credit the summons details and Petitioner's evidence.

Summons sustained. The penalty is \$500.



January 12, 2026

01/12/2026

Sarah Axtell, Judicial Hearing Officer

Date