



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000841075Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CWI WESTMORELAND CONSTRUCTION INC Hearing Date: 04/22/2026 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
000841075Z	Sustained	09/27/2023	205 Brooklyn

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

Findings of Fact & Conclusions of Law

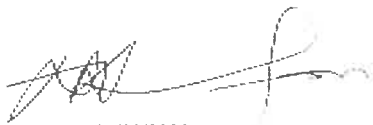
Petitioner appeared by DEP representative, Antwan Gibbs. Respondent, CWI WESTMORELAND CONSTRUCTION INC., appeared by its authorized representative, Ilma Babu, to answer a charge of allowing its truck to idle for more than 1 minute without any mechanical movement while parked, standing or stopped adjacent to A. FANTIS SCHOOL.

Mr. Gibbs stated that the charge was based on a citizen complaint and submitted pictures of the cited truck and location; the citizen affidavit; information of the cited school and its location; and a time-stamped video of the incident (see Pet. Exhs. A, E C & D). It is noted that the video was unable to be uploaded into OATH's ATAS platform. I however viewed the video during and after the hearing.

In response, Ms. Babu testified that the video does not show the school cited in the summons, and that the truck driver was in the truck and was driving away momentarily.

Mr. Gibbs stated that there was no requirement for the school in question to be a part of the video and that it did not matter if the driver of the truck was in the truck and about to leave, as long as the truck was parked, standing or stopped for more than 1 minute. I agree.

I credit the allegation in the summons as well as the testimony and evidence presented by Mr. Gibbs. While I credit Ms. Babu's testimony, it neither rebuts the charge nor establishes a valid defense to the violation. Accordingly, I find that the Respondent's truck improperly idled for more than 1 minute on the day in question without any mechanical movement while parked, standing or stopped adjacent to A. FANTIS SCHOOL. Therefore, the summons is SUSTAINED.



04/28/2026

04/28/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date