



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET, 1st floor Brooklyn, NY 11217	Summons No: 000951054R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- E INC EMPIRE STATE TOWING AND SERVIC Hearing Date: 03/02/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000951054R	Sustained	08/21/2024	543 WEST 28 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Summons # 000951054R was issued to respondent Empire State Towing and Service Inc. for a violation of section 24-163; idling of a motor vehicle engine for more than three minutes 3rd offense.

Ilma Babu appeared for the respondent.

Michael Grosso appeared by email for the Petitioner, DEP and stated that there were no representatives available and the Department is relying on the summons.

The respondent did not contest the prior violations.

The respondent submitted a video from the Petitioner. See Respondent's Exhibit A.

The respondent stated that the workers were finished with work. It seems that they are finishing up and getting ready to leave . The workers are outside the truck.

The summons and evidence submitted are credited.

The video is 4 minutes and 26 seconds long and there is continuous idling and audible engine sounds throughout the video . There are employees outside the truck. The ramp is down. There is no loading or unloading taking place and there is no processing device in operation.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

Leaving an engine idling for longer than three minutes because the workers finished their work and were getting ready to leave are not legally valid or meritorious defenses and are not exemptions under section 24-163.

Accordingly, the summons is sustained and a 3rd offense in the amount of \$600.00 is imposed.

	
03/02/2026	03/02/2026
Michelle Mason, Judicial Hearing Officer	Date