



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET, 1st floor
Brooklyn, NY 11217

Summons# : 000951134R et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

E INC EMPIRE STATE TOWING AND SERVICE

Hearing Date : 3/2/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000951134R	Dismissed	09/20/2024	535 WEST 28 STREET, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1J	24-163 (F)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Summons # 000951134R was issued to respondent Empire State Towing and Service Inc. for a violation of section 24-163(f); Idling of a motor vehicle engine for more than one minute while adjacent to school, from 9/20/24 2:57:26 PM to 9/20/24 3:00:43 PM, 2nd 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 submitted a copy of the video. See Respondent's Exhibit A.

The respondent did not contest the prior violation.

The respondent stated that the school and signage are not visible in the video.

The summons is not credited.

It is not evident from the evidence submitted by the respondent that the truck is adjacent to a park or a school. The video produced does not demonstrate that the truck was clearly near a school or park and the DEP did not appear to present the complaint or their view. There is no signage or actual view of a school or park in the video.

I do not find that the Petitioner has not established that the respondent was idling for more than one minute while adjacent to a school or a park.

Accordingly, the summons is dismissed.

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



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Michael Nacmias, Esq. - Nacmias Law Firm
Attorney
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Date: 03/06/2026

Summons No: TWC232291

Respondent: N & M DEMOLITION INC.

OATH is sending you this notice because your motion for a new hearing after you failed to appear has been granted.

The new hearing date is **April 17 2026 at 09:00 AM in Manhattan**

You or someone who represents you **MUST** appear for the hearing or the case will be decided against you. If you need an interpreter, one will be provided for free.

Until further notice, hearings will be by phone, online or by mail. For more information visit our website at nyc.gov/hearings.

- For a **hearing by phone**, email the hearing location where your hearing is scheduled to occur. You must request your hearing at least three (3) business days **before** the new hearing date indicated above.

Bronx: RemoteBronx@oath.nyc.gov

Brooklyn: RemoteBKLYN@oath.nyc.gov

Manhattan: RemoteManhattan@oath.nyc.gov

Queens: RemoteLIC@oath.nyc.gov

Staten Island: RemoteSI@oath.nyc.gov

- For a **hearing online**, visit our website at nyc.gov/Oath. You must submit your written online defense on or before the new hearing date indicated above.

- For a **hearing by mail**, mail your written defense at least five (5) days before the new hearing date to:

OATH Remote Hearings Unit, 66 John Street, 10th Floor, New York, NY 10038

If you cannot participate in a phone hearing, online hearing or hearing by mail, you may email Livehearings@oath.nyc.gov to request an in-person hearing. You must email at least five (5) business days before the new hearing date.

If you or your representative cannot appear on or by the new hearing date listed above, you must contact us prior to the new hearing date by visiting OATH at nyc.gov/Oath and going to the Clerk's Office section of the website to learn how to request a reschedule of the hearing date.

If you fail to appear or reschedule this hearing, you will not be given another hearing date, under Section 6-21(e) of Title 48 of the Rules of the City of New York.

Need help in your language? Visit nyc.gov/Oath or call 311 for assistance

***Get text message reminders about your hearing:**

Text OATHreminder to 474747*

Sincerely,

Landis, Susan -