



Office of Administrative Trials and Hearings

Hearings Division

Decision

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

Summons# : 000829684M et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ELITE CONCRETE NY LLC

Hearing Date : 6/1/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000829684M	Sustained	01/19/2024	Lawrence Street between Fulton ST / Willoughby ST,

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

Petitioner appeared through Michael Grosso. Respondent appeared through Ilma Babu.

Summons 000829684M charged a violation of Administrative Code 24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. A citizen observed a truck with NY license plate 62728NB idling on 1/19/2024 from 7:12:20 am to 7:16:06 am on Lawrence Street between Fulton Street and Willoughby Street.

This was charged as a first offense.

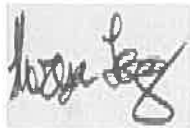
In support of the summons, Petitioner played a video that was viewed during the hearing, and submitted the citizen complaint (Exhibit 1), and photo stills from the video (Exhibit 2).

Respondent argued that one cannot hear the engine noise in the video; that this is an active construction site; that the videographer did not go close enough to the vehicle.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device.

The issuing officer's affirmed statement established a prima facie case of the violation. See 48 RCNY § 6-12(b). I find that the engine noise is audible.

The summons is sustained and the penalty for a first offense will be imposed.



06/01/2026

06/01/2026

Theresa Leary, Hearing Officer

Date