



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000787707N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- MAHIR FLORAL & EVENT DESIGNS Hearing Date: 06/01/2026 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
000787707N	Sustained	03/14/2023	West 28th Street between 6th and 7th Avenue Manhattan

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

Findings of Fact & Conclusions of Law

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

Summons 000787707N 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 54083MC idling on 3/14/2023 from 1:15:18 pm to 1:18:56 pm on West 28th Street between 7th Avenue and 6th Avenue.

This was charged as a third offense.

In support of the summons, Petitioner played a video that was viewed during the hearing, and submitted the citizen complaint (Exhibit 1), photo stills from the video (Exhibit 2), and evidence of the prior offense (Exhibit 3).

Respondent argued that the wind sound was so loud, she could not hear the truck idling; that the weather was in the low thirties and the engine needed to be on so the flowers do not freeze; that they do not need a refrigeration unit in the winter time.

Petitioner argued that they established the charge and there was no processing device in use.

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 Petitioner established the charge. Respondent has not established a defense.

The summons is sustained and the third-offense penalty will be imposed.



06/01/2026

06/01/2026

Theresa Leary, Judicial Hearing Officer

Date