



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000898058Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- JC CONTRACTING MGMT LLC Hearing Date: 12/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000898058Y	Sustained	09/06/2024	140 BROADWAY Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

Summons 000898058Y alleges a repeat violation of § 24-163 of the Administrative Code of the City of New York (Code), for idling of motor vehicle engine for more than three minutes. The violation is charged as a second offense.

Petitioner, Department of Environmental Protection, waived its appearance.

Respondent, JC Contracting Mgmt LLC, appeared by ILMA BABU, authorized representative.

Respondent's representative argued that, based on her review of the complainant's video, which was provided by Petitioner

prior to hearing, the video did not show the rear of the cited vehicle, so she cannot tell if any work is taking place in the back of the vehicle that would have required the engine to be idling.

Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the summons, affirmed under penalty of perjury, was sufficient to establish Petitioner's prima facie case that Respondent's vehicle idled for longer than three minutes at the cited date, time, and location. See *DEP v. Academy Lines LLC*, Appeal No. 1900379 (May 16, 2019). Petitioner was not required to submit video evidence to prove its case. That the complainant's video does not depict the cited vehicle vibrating, producing visible emissions, or making audible engine noise does not establish a defense. See *DEP v. Hub Truck Rental Corp.*, Appeal No. 2001344 (February 11, 2021). Once Petitioner established its prima facie case, the critical inquiry became whether any credible evidence in the record, such as testimony or affidavits from the vehicle's driver, refuted its case or otherwise established an affirmative defense "by a preponderance of the evidence." See *DEP v. Citnalta Construction Corp.*, Appeal No. 2201191 (February 23, 2023). No such evidence was presented here.

I credit the IO's statements on the summons.

I find that the summons establishes the violation as charged and that Respondent's representative did not present sufficient evidence to refute the charge or establish a defense.

Accordingly, the summons is sustained and the second-offense civil penalty of \$440 is imposed.

K. Lawner

12/15/2025

12/15/2025

Kevin Lawner, Judicial Hearing Officer

Date