



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000937813H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ACCURATE TRANSPORT Hearing Date: 01/12/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000937813H	Sustained	03/07/2025	ON BROADWAY BETWEEN W 101STREET and W. 102nd STREETT ST A Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

Summons # 000937813H was issued to respondent Accurate Transport for a violation of section 24-163(f); Idling of motor vehicle engine for more than one minutes while adjacent to school/park, 3rd and subsequent offense.

Ilma Babu appeared for the respondent.

Senior Inspector Monica Dorson appeared for the Petitioner, DEP.

THE Petitioner submitted a video, photographs of the vehicle with the company name, license plate and DOT number, park

signage, two prior violations, complaint and proof of service. See Petitioner's Exhibit 1. The video lasted 2 minutes and 3 seconds. There was idling for more than one minute. There was no loading or unloading taking place and there was no processing equipment in use while the truck was near the park.

The respondent stated that she admits that the engine was on. Her interpretation of what occurred was that the signage for the park was small, and the driver was a distance away and could not see the sign. She was unable to obtain an affidavit from the driver.

The Petitioner rested on the face of the summons.

The summons and evidence submitted by the Petitioner are credited.

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

Also, respondent does not have firsthand knowledge of what occurred and her interpretation of what occurred is not a legally valid or meritorious defense.

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

Michelle Mason

01/13/2026

01/13/2026

Michelle Mason, Judicial Hearing Officer

Date