



Office of Administrative Trials and Hearings

Hearings Division

Decision

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

Summons# : 000939016Y et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ALLISON ENTERPRISE LLC

Hearing Date : 1/16/2026

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
000939016Y	Sustained	03/13/2025	Broadway btw Spring St and Prince St, Manhattan

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

This matter was heard remotely, via telephonic conference, on January 16, 2026. Respondent appeared via Ilma Babu, identified as the authorized representative for the named respondent. Petitioner waived their appearance.

The summons alleges a violation of NYC AC 24-163. The date of occurrence was March 13, 2025, at 12:08pm.

Respondent enters the citizen video for this summons, as evidence; I accessed the video through petitioner's Idling Complaints search website, <https://nycidling.azurewebsites.net/idlingevidence>. The video is 3:55, time-stamped in accordance with the summons.

Respondent testifies that the lift gate is down, and "active physical work" is being performed at the time.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges, as respondent's testimony that "physical" work being done in the back of the truck is not sufficient to warrant a dismissal; instead, only the active use of the lift gate would qualify for a processing device exemption, and respondent does not argue that it is seen in use, nor did I find it to be in use, during the video.

As such, the summons is hereby sustained, and the statutory penalty is imposed.

	01/16/2026
Craig Messing, Judicial Hearing Officer	Date