



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000874655X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- METAL LOGISTICS NYC INC Hearing Date: 04/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000874655X	Sustained	08/14/2024	On Fulton St btw Ashland Pl and Rockwell Pl Brooklyn

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

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on April 16, 2026. Senior Inspector Ed Sferrazza appeared for Petitioner. Authorized representative Ilma Babu appeared for Respondent.

Inspector Sferrazza submitted an evidence package (Exhibit A) that included two photographs of the vehicle, the idling complaint form, and a 3 minute, 22 second video of the vehicle.

Respondent denied the charge without rebuttal.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping. Per 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the IO's summons, affirmed under penalty of perjury that IO verified Respondent's vehicle idled for more than three minutes at the cited date, time, and location based on a review of DEP records, is sufficient to establish Petitioner's prima facie case. See *DEP v. Academy Lines LLC*, Appeal No. 19003 (May 16, 2019). The burden then shifts to Respondent to present evidence refuting Petitioner's case or to otherwise establish a defense. See *DEP v. Academy Express, LLC*, Appeal No. 1901519 (March 3, 2020); 48 RCNY § 6-12(a).

I credit the summons. The summons is sufficient to establish Petitioner's prima facie case. Respondent did not rebut the allegations in the summons. The summons is sustained.



04/23/2026

04/23/2026

Melissa Koven, Judicial Hearing Officer

Date