



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

MABEL OGHOJA FOR - NACMIAS LAW FIRM PPLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000830801K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC CO Hearing Date: 01/23/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830801K	Sustained	01/19/2024	1348 6th Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

Respondent **HUGH O'KANE ELECTRIC CO** appeared at a remote telephonic hearing on 1/23/2025 by its authorized representative Ms. Mabel Oghojafor of the Nacmias Law Firm.

Petitioner NYC Dept. of Environmental Protection appeared by Insp. Michael Grosso.

Respondent is charged with a 3rd violation of NYC Adm. Code 24-163 for allegedly causing or permitting the engine of the vehicle cited in the Summons to idle for more than 3 minutes while parked, standing, or stopped.

Ms. Oghojafor stated that this Summons should be adjudicated as a second violation of the cited section of law - not a third violation.

The prior Summonses upon which the Repeat aspect of the charge is based are: 000776204H which was issued to Respondent, and which was found in violation; and 000822969Y which was issued to a different Respondent.

Therefore, this Summons will be adjudicated as a second - not a third - violation of the cited section of law.

Insp. Grosso submitted the following evidence on behalf of Petitioner: 3min 37sec video, Redacted Idling Complaint; 2 photos. (Petitioner's Exhibits 1-3)

Ms. Oghojafor reviewed Petitioner's evidence and stated that Respondent denies the violation. However, she presented no facts to rebut the allegations in the Summons and she presented no valid legal defense to the charge.

I credit the unrefuted allegations in the Summons and Petitioner's evidence and find Respondent in violation of a second violation of the cited section of law.

Accordingly, the Summons is sustained, and the approved penalty for a second violation of the cited section of law is imposed.



01/23/2025

01/23/2025

Jerilyn F. Rubin, Hearing Officer

Date