



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000877465Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RELIABLE CARRIERS INC Hearing Date: 11/24/2025 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
000877465Z	Sustained	08/21/2024	536 WEST 23 STREET Manhattan

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

Findings of Fact & Conclusions of Law

A telephonic hearing took place on November 24, 2025. Ilma Babu, authorized representative, for Michael Nacimas, Esq. appeared on behalf of the Respondent. Michael Grosso appeared on behalf of Petitioner.

On 8/21/2024, Respondent was issued a violation of 24-163: Idling of motor vehicle engine for more than three minutes 1st offense.

Petitioner submitted an evidence package consisting of: photos of the vehicle, license plate, logo, and DOT number; PDF of redacted complaint form and affirmation of what the citizen has seen; and a link to the video which is over four minutes. The

video shows that engine is audible but in video, the processing device was not in service.

Respondent also submitted evidence including an affidavit from the driver. The driver states that he "had to keep the engine running in order to keep the lift gate batteries charged and operational. In order to operate the lift gate, either the engine must be running or the batteries must be charged."

Petitioner's response was that idling for battery is not a defense or supported under the Code. I agree. Respondent has failed to demonstrate that the engine had to be on for the lift gate to be used and was in use at the time. Rather, it was on just to charge the battery.

Respondent has failed to refute the summons and/or provide a viable defense.

The summons is sustained and a penalty is assessed in the amount of: \$350.



11/24/2025

11/24/2025

Aneeba Rehman, Judicial Hearing Officer

Date