



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Summons No: 000873192Y et al. (1 Summons)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

TOMRA-METRO LLC

Hearing Date: 11/06/2025

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
000873192Y	Sustained	05/28/2024	On Walnut Avenue Bronx

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

Findings of Fact & Conclusions of Law

I find Respondent TOMRA-METRO LLC in violation of NYC Administrative Code § 24-163 for idling motor vehicle engine for more than 3 minutes.

Ilma Babu appeared for Respondent at a telephone hearing held on November 6, 2025. Leah Smith appeared for Petitioner NYC Department of Environmental Protection (DEP).

Petitioner DEP charged respondent with a violation of NYC Admin Code § 24-163 for idling of a motor vehicle engine for more than 3 minutes.

At the telephone hearing, Petitioner's representative submitted into evidence a photograph and a video. The photograph and the video are made part of the record as Petitioner's Exhibit 1. In addition, Petitioner submitted a copy of the NYC Citizen Idling Complaint, and a copy of the summons with proof of service. The Citizen Idling Complaint and the proof of service are made part of the Record as Petitioner's Exhibit 2.

Petitioner's representative rested on the summons and the evidence submitted.

Respondent's representative denied the allegation but offered no rebuttal.

I find that the Respondent here failed to refute the allegation in the summons or to raise a valid defense. The Petitioner established a prima facie case that Respondent left its vehicle idling for more than three minutes.

Accordingly, the violation of NYC Administrative Code § 24-163 is sustained.



11/10/2025

11/10/2025

George Drakopoulos, Judicial Hearing Officer

Date