



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000874539Z et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

UNFI TRANSPORT LLC

Hearing Date : 2/26/2026

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
000874539Z	Sustained	03/07/2024	I/o 5TH AVE and 13th Street 1, Brooklyn

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

Petitioner, NYC Environmental Protection, did not appear. Respondent appeared by I .MA BABU - NACMIAS LAW FIRM PLLC.

This hearing was conducted via telephone on February 26, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

Respondent's representative acknowledged viewing the DEP video.

Code § 24-163(a) provides in pertinent part:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent argued that the majority of the video depicted only the front of the vehicle, they could not tell if the lift gate was in use (qualifying the activity for an exemption). Respondent did not present evidence that the vehicle was actively being loaded or unloaded.

I credit the summons and the civilian's video was reviewed during the hearing with the Respondent's representative. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for the 1st offense.

 02/26/2026	02/26/2026
Rebecca Kramer, Judicial Hearing Officer	Date