



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET NEW YORK,NY 11217	Summons No: 000930478H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- TOMOE FOOD SERVICES INC Hearing Date: 11/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000930478H	Dismissed	09/09/2024	ON VANDERBILT AVEBETWEEN ST MAR Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Ilma Babu appeared on behalf of the Respondent as authorized representative, waiving counsel, translation and the appearance of the complaining witness. On behalf of the DEP appears Michael Grasso. The summons was issued for an idling vehicle.

The Respondent argues that at 1:12 in the video, the driver was putting a trolley on the truck and it may have been in use and it is a refrigeration truck that was in use.

The DEP claims that the engine for the refrigeration truck can run independently from the vehicle.

He says that the vehicle moved so the engine was on the whole time.

The DEP states that the complaining witness states that there is a reefer exhaust and therefore the engine didn't need to be on, but the DEP doesn't know what the model number this vehicle was. Furthermore, the Authorized Representative states that the vehicle did need the refrigeration unit.

I weight the Respondent's statements against the statements made by the DEP and the complaining witness and i find the Respondent to be more credible.

As such, I believe that this was a refrigeration truck that was in use and therefore an except to the idling statute.

This summons is dismissed.



11/26/2025

11/26/2025

Sofia Balile, Judicial Hearing Officer

Date