



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET 1st floor Brooklyn ,NY 11217	Summons No: 000927865K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DHL EXPRESS USA INC Hearing Date: 11/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000927865K	Dismissed	12/05/2024	277 ADAMS STREET BTW FRONT STREET & Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, DHL EXPRESS USA INC, appeared by remote hearing. Respondent was represented by its authorized representative Ilma Babu. Department of Environmental Protection was represented by Martin Joyce.

The summons charges AC 24-163, idling of a motor vehicle engine for longer than one minute while adjacent to school, 3rd offense. The place of occurrence is on Adams Street between Front Street and York Street. Mr. Joyce submitted a redacted complaint, three photographs, prior summonses, and a video from the place and time of occurrence in support of the charge.

Ms. Babu argued that vehicle was not idling adjacent to a school. The citizen stated in the video that the main entrance to the

school is on York Street, not Adams Street. Mr. Joyce stated that "adjacent" includes exists as well, not just entrances. Mr. Joyce further stated that there are side doors on the street that the vehicle was idling. Ms. Babu also argued that it's not clearly stated that the building is a school.

I credit Respondent's testimony and find that Respondent established a valid defense. I find that the school was not easily identifiable as a school by signage or otherwise.

Accordingly, the Summons is dismissed.

	
11/20/2025	11/20/2025
Erisa Cepa, Judicial Hearing Officer	Date