



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000962267Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CS TRUCKING LLC Hearing Date: 03/31/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000962267Y	Sustained	10/16/2024	505 W 28th St Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

On March 31, 2026, Ilma Babu, a registered representative, appeared on behalf of Respondent, CS Trucking LLC, for a remote hearing by telephone. Inspector Monica Dorson appeared for Petitioner and relied on the Issuing Officer's affirmed statement in the summons.

Respondent was charged with violation of §24-163(f) of the Administrative Code of the City of New York for idling of motor vehicle engine for more than one minute while adjacent to school.

The Issuing Officer affirmed in the summons that on October 16, 2024, "Respondent caused or permitted the idling of a motor

vehicle parked, standing or stopped while adjacent to Manhattan Schoolhouse, 507 W 28th St, New York. As per DEP records, citizen observed TF JCK with NJ License Plate # AX587G idling for longer than one minute from 10/16/2024 8:44:45 AM to 10/16/2024 8:46:55 A / at 505 W 28th St." This was charged as a third subsequent violation based upon two prior violations via summonses 000 :42783Y and 000829702R.

Petitioner submitted the redacted complaint (marked as P1), 2 photos of the vehicle (marked as P2), status of prior violations (marked as P3) and a video (marked as P4) 2:22 long.

Respondent's representative claimed that the school was at the end, that the signage was not clear, and that it looks like a storefront.

I credit the Issuing Officer's statements in the summons and the evidence submitted by Petitioner, which established that the vehicle's engine had been idling for longer than one minute while adjacent to a school in violation of Code §24-163(f). Respondent's claim that the school is not easily identifiable is an affirmative defense for which Respondent bears the burden of proof. This burden cannot be established by claiming that the video does not clearly show a school. Here, Respondent submitted no evidence to meet its burden of proof.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than one minute while adjacent to a school, that this was a third subsequent violation of the same section of law §24-163, and I impose a third subsequent penalty of \$600.00.

Wherefore, the summons is hereby sustained accordingly.

Signature

04/10/2026

04/10/2026

Date

Sooyung Lee, Judicial Hearing Officer