



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET NEW YORK,NY 11217	Summons No: 000878144M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH OKANE ELECTRIC CO 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
000878144M	Dismissed	08/27/2024	West Broadway and Park Place Manhattan

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 the video is distorted, upside down and sideways and it's not clear that the noise is coming from this vehicle and it's not clear that there are not workers operating from the vehicle because of the vantage point of the video.

The DEP concedes that the video is distorted because at the one minute mark, it pans away from the vehicle.

My observations are as follows: The vehicle has doors open and is set up near a utility pole with cones marking it off, that was being worked on and the vehicle in question had a boom on top--which is the type of vehicle that would be working on the pool right then. Panning out from the vehicle when it appears that it was there to do work, I find problematic.

The Respondent argued that the the complaining witness pans away and we can't be sure of what was happening.

The DEP relies on the summons and the complaining witness' sworn to observations.

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.

This summons is dismissed.

	12/08/2025
Sofia Balile, Judicial Hearing Officer	Date