



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000876726N et al. (2 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

HUGH O'KANE ELECTRIC CO INC

Hearing Date : 11/25/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,040.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000876726N	Sustained	08/21/2024	177 Ninth Avenue, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000930043Z	Sustained	04/16/2024	COURT ST BETWEEN 2 PL AND 1 PL, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

Findings of Facts & Conclusions of Law

The hearing was conducted by telephone on November 21, 2025. Petitioner waived its appearance through Michael Grosso, Esq. via email. Respondent appeared through Ilma Babu, authorized representative.

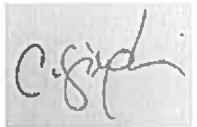
Respondent received two summonses, each charging Respondent with a violation of AC 24-163 after the IO alleged Petitioner's records reflected citizen-complainants' observation of the Respondent's truck idling for longer than three minutes while parked, standing or stopped. Each summons charged a third or subsequent violation of the section and cited prior summonses in support.

Ms. Babu denied the charge on each summons without rebuttal on Respondent's behalf.

I credit the IO's sworn statement on each summons that Respondent's truck was observed idling for longer than three minutes while parked, standing or stopped and find this establishes Petitioner's prima facie case on each charge. I do not credit Respondent's general denial on either charge.

I find that the prior summonses cited in summons '26N are valid prior offenses. I find that one of the priors cited in summons '43Z was dismissed.

I therefore find Respondent in violation on each summons and impose the standard penalty for a second offense on '43Z and for a third or subsequent offense on '26N.

	11/25/2025
Charles Simpkins, Judicial Hearing Officer	Date