



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                    |                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br><b>592 PACIFIC STREET</b><br><b>NEW YORK, NY 11217</b> | <b>Summons No: 000896907K et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>United Natural Foods Inc</b><br><br><b>Hearing Date: 11/28/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$350.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>   |
|------------------|----------------------------|---------------------------|------------------------------|
| 000896907K       | Sustained                  | 05/22/2024                | 161 ATLANTIC AVENUE Brooklyn |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BA1I                 | 24-163 (F)                   | Sustained     | \$350.00       |

**Findings of Fact & Conclusions of Law**

Petitioner, NYC DEP, appeared by Leah Smith. Respondent, United Natural Foods Inc, appeared by Ilma Babu. The first hearing date was scheduled for November 28, 2025, today's hearing date. This summons is sustained and the first offense penalty imposed.

Respondent is charged under NYC Administrative Code Section 24-163(f) for idling a motor vehicle engine for more than 1 minute while adjacent to a school. See Petitioner's Exhibit 1.

Respondent claimed that there is no school visible near Respondent's vehicle in Petitioner's documentary evidence. Petitioner

relied on the summons. I do not credit Respondent's argument. I credit Petitioner's allegations in the summons. I find that the violating conditions existed at time of issuance and that Respondent has not established a valid defense. This summons is sustained and the first offense penalty imposed.

MF 1/2

11/28/2025

11/28/2025

Marcelo Martinez, Judicial Hearing Officer

Date