



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000933809R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH OKANE ELECTRIC COMPANY Hearing Date: 12/17/2025 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
000933809R	Dismissed	02/28/2025	INTERSECTION OF MADISON AVE AND Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The NYC Department of Environmental Protection waived their appearance. Ilma Babu appeared on behalf of Respondent, HUGH OKANE ELECTRIC COMPANY, at a telephone hearing on December 17, 2025. Respondent's representative waived the use of an interpreter, assistance of counsel, and the presence of the issuing officer.

The summons alleges a violation of NYC AC 24-163: idling motor vehicle engine for more than 3 minutes, in that a citizen observed a van with NY license plate #58106NE idling for more than 3 minutes on February 28, 2025.

Respondent's representative stated after reviewing Petitioner's video on the DEP idling website, the employees were using a

pump into the drainage, and the vehicle needed to be on. The video mostly focused on the front of the vehicle. The parts of the video that focused on the back of the vehicle showed active work and active pumping. In support, Respondent's representative submitted into evidence 3:42- minute video (Marked as Respondent's Exhibit A). The video was unable to be uploaded but **viewed during the hearing**.

Once Petitioner established its prima facie case, the burden shifted to Respondent to refute Petitioner's evidence or provide an affirmative defense. See 48 RCNY § 6-12(a). Respondent's representative did not deny that the engine was turned on but asserted as a defense that the engine was being used to operate a processing device which is an exception to the rule 24-163.

I find that the video along with Respondent's representative's statements are compelling evidence to establish that a processing device was being used. Thus, summons is dismissed.


12/23/2025

12/23/2025

Kiara Ampuero, Judicial Hearing Officer

Date