



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn ,NY 11217	Summons No: 000883567K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NESTLE WATERS Hearing Date: 12/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000883567K	Sustained	06/12/2024	53 BRIDGE STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on December 16, 2025. Petitioner waived its appearance. Authorized representative Ilma Babu appeared for Respondent.

The summons charged a violation of § 24-163 of the Administrative Code of the City of New York (Code) for idling a motor vehicle for more than three minutes, charged as a first offense.

Respondent denied the charge without rebuttal.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping. Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the IO's summons, affirmed under penalty of perjury that the IO verified Respondent's vehicle idled for more than three minutes at the cited date, time, and location based on a review of DEP records, is sufficient to establish Petitioner's prima facie case. See *DEP v. Academy Lines LLC*, Appeal No. 1900379 (May 16, 2019). The burden then shifts to Respondent to present evidence refuting Petitioner's case or to otherwise establish a defense. See *DEP v. Academy Express, LLC*, Appeal No. 1901519 (March 3, 2020); 48 RCNY § 6-12(a).

I credit the summons. Respondent did not rebut the allegations in the summons. The summons is sustained.



01/05/2026

01/05/2026

Melissa Koven, Judicial Hearing Officer

Date