



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000936300H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH OKANE ELECTRIC CO INC Hearing Date: 12/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000936300H	Sustained	02/05/2025	INTERSECTION OF W 46TH ST AND 6TH AVE Manhattan

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

Findings of Fact & Conclusions of Law

Petitioner appeared through Inspector Antwan Gibbs. Respondent appeared through registered representative Ilma Babu.

Summons 000936300H charged a violation of Administrative Code 24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. A citizen observed a VAN with NY plate #58106NE idling on 2/5/2025 from 3:44:44 pm to 3:47:57 pm at the intersection of West 46th Street and 6th Avenue.

This was charged as a first offense.

In support of the summons, Petitioner played a video that was viewed during the hearing, and submitted the summons with service (Exhibit 1), the citizen complaint (Exhibit 2), and photographs (Exhibit 3).

Respondent argued that the vehicle is there to do work on the sewer system, and that work might require pumping, which might require the engine to run.

Petitioner argued that Respondent had not proved that a processing device was in use.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device. Per 15 RCNY § 39-01, a processing device includes a device that accomplishes the function for which the vehicle or equipment was designed, other than transporting goods or people, via a mechanical connection to the engine, including but not limited to operating a lift, crane, pump, drill, hoist, or mixer.

Here, Respondent has provided no evidence in support of her argument. Speculation about what might be happening does not meet the burden of proof of establishing a processing device defense.

Accordingly, the summons is sustained and the penalty for a first offense will be imposed.



12/31/2025

12/31/2025

Theresa Leary, Judicial Hearing Officer

Date