



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

**DECISION**

|                                                                                      |                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592 PACIFIC STREET<br>Brooklyn, NY 11217 | <b>Summons No: 000937239M et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>HUGH O'KANE ELECTRIC CO INC</b><br><br><b>Hearing Date: 01/08/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$600.00</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> |
|------------------|----------------------------|---------------------------|----------------------------|
| 000937239M       | Sustained                  | 03/11/2025                | 565 BROADWAY Manhattan     |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BA1F                 | 24 -163                      | Sustained     | \$600.00       |

**Findings of Fact & Conclusions of Law**

Ilma Babu appeared for Respondent by phone. Antwan Gibbs appeared for the DEP by phone.

The summons charges a violation of idling for more than 3 minutes. Third offense.

The summons alleges that on 3/11/25 at 565 Broadway a citizen saw a truck with NY Plate #70934MH idling from 10:58:42 am to 11:01:43 am.

The DEP submitted:

P1 Video 4 minutes and 2 seconds in length

P2 Photo of license plate

P3 side of truck

P4 back of truck

P5 idling complaint

P6 Division of Corporations Entity Information.

Ms. Babu denied the charge and argued that the pump to the sewer line seen in the photos might need to be on to operate. That might be, but without concrete evidence such as a manual for the truck or testimony from the driver, I cannot find that a credible defense.

Therefore, I find the video (P1) credible to show that the Respondent was idling for more than 3 minutes.

Ms. Babu did not contest that this was a third offense. I am imposing the fine for a third violation.

*E. Barrett*

01/13/2026

01/13/2026

Elizabeth Barrett, Judicial Hearing Officer

Date