



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET FIRST FLOOR
Brooklyn, NY 11217

Summons# : 000949200N et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

TOMRA-METRO LLC

Hearing Date : 2/24/2026

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
000949200N	Sustained	09/12/2024	33RD ST btw 30TH AVE AND 28 RD, Queens

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

This matter was heard remotely, via telephonic conference, on February 24, 2026. Respondent appeared via Ilma Babu, identified as the authorized representative for the named respondent. Petitioner waived their appearance.

The summons alleges a violation of NYC AC 24-163. The date of occurrence was September 12, 2024, at 9:04am.

Respondent presents the citizen's video, as evidence; the video is 3:11 in length, time-stamped in accordance with the summons. Respondent testifies that the vehicle is in a garage, and not in a "public street," and thus, was not idling.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges. Neither the language of 24-163, nor the definitions of "parked," "standing," or "stopped" in the Vehicle and Traffic Law (VTL), incorporated into 24-163 by reference, requires that a vehicle be on a "public street" in order to be subject to the law as written.

As such, the summons is hereby sustained, and the statutory penalty is imposed.



02/24/2026

02/24/2026

Craig Messing, Judicial Hearing Officer

Date