



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000885864X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 01/09/2026 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
000885864X	Sustained	10/17/2024	ON 1ST AVE BETWEEN E 7TH ST AND Manhattan

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

Findings of Fact & Conclusions of Law

Monica Dorson, DEP

Ilma Babu, authorized representative

24 -163: Idling motor vehicle engine for more than 3 minutes

Respondent denied the charge without offering a rebuttal.

I credit the statements in the summons and find that Respondent permitted a motor vehicle engine to idle for more than 3 minutes as described by the issuing officer. Sustained.

David Pantaleoni

01/15/2026

01/15/2026

David Pantaleoni, Judicial Hearing Officer

Date



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
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DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0704023632 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- AAA GENERAL CONSTRUCTION CORP Hearing Date: 01/07/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0704023632	Sustained	10/02/2025	63 DRIVE AND AUSTIN STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADA2	34RCNY 2-09(F)(4)(XIV)	Sustained	\$1,500.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on January 7, 2026.

Michael Sargo, Esq. appeared for Respondent. No appearance on behalf of Petitioner DOT despite DOT acknowledging email notifying them that Respondent had appeared and hearing ready to proceed.

The summons charges 34 RCNY 2-09(f)(4)(xiv) for failure to install pedestrian ramp. Mr. Sargo moved to dismiss stating DOT did not present any evidence to support allegations in Summons. No additional statements or evidence were submitted by Respondent.

34 RCNY 2-09(f0(4)(xiv) states in pertinent part any person constructing reconstructing or repairing a corner shall install pedestrian ramps in accordance with Standard Specifications and in accordance with latest revision of Standard Detail Drawing #H-1011.

I credit the Summons details and find that the Petitioner has established a valid charge against the Respondent.? Petitioner established its prima facie case through the IO's affirmed statement in the Summons. See 48 RCNY § 6-12(b). Once Petitioner established its case, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). Respondent did not present any statements or evidence to refute the allegations or establish an affirmative defense. Based on this fact, I find the evidence insufficient to refute the charge. Therefore, I find Respondent in violation and impose the mandatory penalty of \$1500. The Summons is upheld.



01/15/2026

01/15/2026

Randee Rubenstein, Judicial Hearing Officer

Date