



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000889192K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC Hearing Date: 01/29/2026 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
000889192K	Sustained	08/12/2024	ON 5TH AVENUE BETWEEN EAST 30TH Manhattan

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

Findings of Fact & Conclusions of Law

Ilma Babu appeared as Authorized Representative for the Respondent, waiving translation, counsel and the appearance of an IO. On behalf of the DEP appeared Inspector John McLaughlin. The summons alleges a indiling motor vehicle complaint.

The Respondent states that the video only shows the front of the vehicle and not that the back, so there is no way to know whether the lift was in operation. The DEP states that the complaint alone establishes a prima facie case and without a credible statement or evidence to corroborate that the vehicle was operating a lift gate, the speculation that it could have been on is insufficient. Also, he states it is unlikely it was in operation given it's proximity to the vehicle behind it.

I concur. A defense cannot be based on speculation.

As such, this summons is sustained.



01/29/2026

01/29/2026

Sofia Balile, Judicial Hearing Officer

Date