



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000954976R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- LGI USA INC. Hearing Date: 03/13/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$440.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000954976R	Sustained	09/30/2024	436 EAST 14 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

The summons is sustained.

The Respondent, LGI USA INC., appeared by its authorized representative, Ilma Babu, Nacmias Law Firm PLLC. The Petitioner, NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION appeared by its representative, Inspector Michael Grosso.

The summons alleges a violation of NYC Air Pollution Control Code Section 24-163, Idling of a Motor Vehicle engine over three (3) minutes as a second offense. The Issuing Officer specifically alleges in details of the violation that the charge was based

on a Citizen Complaint alleging that Respondent's truck with NJ license plate #XPCH99 was idling for longer than three (3) minutes on September 30, 2024 beginning at 11:02:26 AM at 436 East 14th Street in Manhattan. A prior offense is alleged on the face of the summons.

Petitioner's representative relied on the summons for Petitioner's main case and produced the following evidence: 1) a redacted idling complaint (Px1), 2) a photograph depicting the subject vehicle's license plate (Px2), 3) a photograph depicting the company information stenciled on the side of the subject vehicle (Px3), 4) a US DOT license plate run (Px4) and 5) video depicting the alleged violation (Px5). Petitioner's representative noted that in the video the workers are rolling up a hose connected to the truck but the hose is not in use at any time during the video.

Respondent's representative stated that work involving the truck was occurring at the time the video as is evidenced from the hose and that the workers were about to leave for the next location. Respondent's representative did not challenge the allegation of recidivism.

Petitioner's representative stated the processing device need to be in use in order the engine to be idling and rested.

I find on the Petitioner's credible case that the violating condition described in the summons existed and the standard penalty is imposed.

The summons is sustained.

Jamin Sewell

03/13/2026

03/13/2026

Jamin Sewell, Judicial Hearing Officer

Date