



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000898630X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- E & M ESR INC Hearing Date: 03/23/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000898630X	Dismissed	09/16/2024	157 6 AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Ilma Babu the authorized representative of the Respondent E & M ESR INC appeared at today's hearing.

The Petitioner, the Department of Environmental Protection, waived its appearance.

The Respondent is charged with idling over three minutes.

Ms. Babu denied the allegation. She stated the cited truck was not idling. She argued there is no proof presented that this specific truck was idling.

I find Ms. Babu has raised a credible, uncontested defense with no evidence to the contrary.

Accordingly, this summons is dismissed.



03/24/2026

03/24/2026

Steven Epstein, Judicial Hearing Officer

Date