



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                     |                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592PACIFIC STREET<br>Brooklyn, NY 11217 | <b>Summons No: 000940496K et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PEACE OF MIND PEST CONTROL</b><br><br><b>Hearing Date: 01/23/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
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Total Penalty Amount: **\$350.00**

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

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE         |
|------------|---------------------|--------------------|-----------------------------|
| 000940496K | Sustained           | 07/23/2024         | 45 WEST 21 STREET Manhattan |

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

**Findings of Fact & Conclusions of Law**

Petitioner submitted an evidence packet containing 2 photos of the vehicle identifying the license plate number and company name and logo; the redacted NYC Citizen's Idling Complaint; a copy of the summons and Affirmation of Service; and a video taken by the civilian complainant (Petitioner's Exhibit 1). Inspector Dorson stated that on the video there is no processing device being used which would require the engine to be on, and there is audible engine noise throughout the video.

Ms. Babu denied the violation and challenged the video evidence. Respondent's rep asserted that you could not see the full truck on the video, just a small part of it is shown. Not a good video to establish this violation. The video is up close focusing on the front passenger side panel of the truck.

In response, Inspector Dorson stated that the video gets 3 sides and if there is no processing equipment on the truck, there is no reason to show it.

I credit the testimony and evidence submitted by the Petitioner. Respondent challenged Petitioner's video evidence asserting that it showed just a part of the truck and was not a good video. My review of the evidence showed that the citizen complaint's video focused mainly at one area of the truck, the front passenger side panel, and you could hear the engine noise as the video was taken near the hood. There did not appear to be any processing device and Respondent did not assert that there was a processing device in use. At the 3-minute 3-second mark the truck drives away. I do not find that the Respondent established a valid defense.

Accordingly, this summons is Sustained.



02/11/2026

02/11/2026

Date

Eva Marie Russo-Lane, Judicial Hearing Officer