



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000945989L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- JT Hearing Date: 02/11/2026 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
000945989L	Sustained	08/30/2024	802 AVENUE OF THE AMERICAS Manhattan

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

Findings of Fact & Conclusions of Law

Authorized representative Ilma Babu appears for the Respondent and Senior Inspector Antwan Gibbs appears for the Petitioner NYC Environmental Protection (DEP). Respondent was charged with a violation of Rule 24-163 of the Administrative Code for the idling of a motor engine for more than three minutes. For the reasons states below, I am sustaining the summons.

The summons states that the Respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped. As per DEP records, the citizen observed a truck with NJ license plate XFXN37 idling for longer than three minutes on 8/30/24 3:47:09 p.m. to 3:50:20 p.m. at 802 Sixth Avenue. The DEP submits photographs of the vehicle, an affirmation of the citizen's complaint, the redacted citizen's complaint and a video of the vehicle sitting idle with the motor vehicle on. The video does not

show the presence of a processing device on the vehicle. The engine is audible. Petitioner admits there is ambient background noise, but points to specifics in the video – 1:13, 1:40, and 2:52 – where it is clear the noise is only coming from the vehicle in question.

The Respondent's representative states that it is difficult to decipher if the motor is running. She does not have any first-hand knowledge of the events that transpired on the date in question. Further, she does not contest the classification as a second offense.

Rule 24-163 of the Administrative Code states that No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route. I find that the Respondent violated this rule. The evidence submitted by the DEP is clear, credible and convincing. I credit the witness's observations of the scene and find his video to be credible. It is clear from the video that the truck was sitting with its motor on for longer than the requisite three minutes. There is no processing equipment or lift gate in use. I do not credit the representative's self-serving statement that she cannot hear an audible engine. As such, the summons is sustained in that the Respondent's vehicle was parked, standing or stopped for more than three minutes. Second offense.

Janine Azriliant

02/11/2026

02/11/2026

Janine Azriliant, Judicial Hearing Officer

Date