



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000968264X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PETERS FARM INC Hearing Date: 04/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000968264X	Sustained	03/05/2025	802 6TH AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	\$600.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on April 16, 2026. Senior Inspector Ed Sferrazza appeared for Petitioner. Authorized representative Ilma Babu appeared for Respondent.

The summons charged a violation of § 24-163 of the Administrative Code of the City of New York (Code) for idling a motor vehicle for more than three minutes, charged as a third and subsequent offense.

Inspector Sferrazza submitted an evidence package (Exhibit A) that included two photographs of the vehicle, the idling complaint form, and a 4 minute, 19 second video. He noted that the engine was audible in the video and there was no

processing device in use.

Respondent contended that most of the video did not show the back of the truck. She noted that it seemed the driver was driving off because they had just finished a job. She alleged that the camera was not angled at the back to show if the driver was finishing a job.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping. Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the IO's summons, affirmed under penalty of perjury that the IO verified Respondent's vehicle idled for more than three minutes at the cited date, time, and location based on a review of DEP records, is sufficient to establish Petitioner's prima facie case. See *DEP v. Academy Lines LLC*, Appeal No. 190037 (May 16, 2019). The burden then shifts to Respondent to present evidence refuting Petitioner's case or to otherwise establish a defense. See *DEP v. Academy Express, LLC*, Appeal No. 1901519 (March 3, 2020); 48 RCNY § 6-12(a).

I credit the summons. The summons is sufficient to establish Petitioner's prima facie case. Respondent failed to sufficiently rebut the allegations in the summons or establish a defense. Ms. Babu speculated that the driver may have just finished a job but she did not produce an affidavit from the driver or any other evidence to support this claim. The summons is sustained.



04/23/2026

04/23/2026

Melissa Koven, Judicial Hearing Officer

Date