



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons# : 000913189R et al. (4 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- FURNARI SERGIO Hearing Date : 1/28/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	1,400.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000897154J	Sustained	06/06/2024	30 WEST 50 STREET, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000913189R	Sustained	06/18/2024	10 WEST 50 STREET, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000913836Y	Sustained	06/13/2024	45 ROCKEFELLER PLAZA, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000920322M	Sustained	07/16/2024	30 ROCKEFELLER PLAZA, Manhattan

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

Four summonses were issued by the NYC Department of Environmental Protection for idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner, DEP, appeared by John McLaughlin, Representative.

Respondent appeared by Ilma Babu, authorized Representative.

- 1) As to summons 000913189R, idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner submitted into evidence; photographs, redacted citizen affidavit and video of cited violation, without objection.

Petitioner relied on the evidence in the record.

Ilma Babu submitted pictures of vehicle and news articles into the record without objection.

Respondent argued that the vehicle is a popular expression of art and freedom; showing workers on a steel frame.

Respondent also argued that the engine was not running and that when the engine was turned on, the vehicle was about to leave.

The engine appears to be running in the video, for over three minutes.

The Respondent does not present a defense to the violation as written,

The Petitioner has established a prima facie case, corroborated with the evidence in the record.

As such, the summons is sustained and the standard penalty is hereby imposed.

- 2) As to summons 000913836Y, idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner submitted into evidence; photographs, redacted citizen affidavit and video of cited violation, without objection.

Petitioner relied on the evidence in the record.

Ilma Babu submitted pictures of vehicle and news articles into the record without objection.

Respondent argued that the vehicle is a popular expression of art and freedom; showing workers on a steel frame.

Respondent also argued that the engine was not running and that when the engine was turned on, the vehicle was about to leave.

The engine appears to be running in the video, for over three minutes.

The Respondent does not present a defense to the violation as written,

The Petitioner has established a prima facie case, corroborated with the evidence in the record.

As such, the summons is sustained and the standard penalty is hereby imposed.

3) As to summons 000920322M, idling of motor vehicle engine for more than three minutes, as a first offense .

Petitioner submitted into evidence; photographs, redacted citizen affidavit and video of cited violation, without objection.

Petitioner relied on the evidence in the record.

Ilma Babu submitted pictures of vehicle and news articles into the record without objection.

Respondent argued that the vehicle is a popular expression of art and freedom; showing workers on a steel frame.

Respondent also argued that the engine was not running and that when the engine was turned on, the vehicle was about to leave.

The engine appears to be running in the video, for over three minutes.

The Respondent does not present a defense to the violation as written,

The Petitioner has established a prima facie case, corroborated with the evidence in the record.

As such, the summons is sustained and the standard penalty is hereby imposed.

4) As to summons 00897154J, idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner submitted into evidence; photographs, redacted citizen affidavit and video of cited violation, without objection.

Petitioner relied on the evidence in the record.

Ilma Babu submitted pictures of vehicle and news articles into the record without objection.

Respondent argued that the vehicle is a popular expression of art and freedom; showing workers on a steel frame.

Respondent also argued that the engine was not running and that when the engine was turned on, the vehicle was about to leave.

The engine appears to be running in the video, for over three minutes.

The Respondent does not present a defense to the violation as written,

The Petitioner has established a prima facie case, corroborated with the evidence in the record.

As such, the summons is sustained and the standard penalty is hereby imposed.



02/17/2026

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John Ciafone, Judicial Hearing Officer

Date