



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000970692P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 05/29/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000970692P	Sustained	11/25/2024	566 AVENUE OF THE AMERICAS Manhattan

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

Findings of Fact & Conclusions of Law

Summons: 000970692P

Hearing date: 5/29/26

Appearing for petitioner: M. Dorson

Witness(es):

Appearing for respondent: I. Babu, as authorized representative

Witness(es):

The charge dated 11/25/2024, was idling for more than three minutes, first offense. Petitioner augmented the summons with citizen complaint records, photographs, and a video.

Respondent argued workers were unloading the truck, which has a lift gate.

Petitioner responded that all unloading was being done by hand. No lift gate was operating.

Findings of Fact and Conclusions of Law:

Unless a lift gate is in operation, its presence as part of the truck is not a defense to this charge.

I credit the statement of facts in the summons and supporting evidence.

Accordingly, I sustain the charge.



05/29/2026

05/29/2026

Clive Morrick, Judicial Hearing Officer

Date