



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Alexander Stratis - Nacmias Law Firm PLLC 592 Pacific St Brooklyn, NY 11217	Summons No: 000985203R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 07/06/2026 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
000985203R	Sustained	01/22/2025	E 53rd St Btwn Park Ave and Madison Ave Manhattan

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

Findings of Fact & Conclusions of Law

Inspector Gibbs for DEP

Alexander Stratis for Respondent

The summons alleges unlawful idling and it carries a \$350 fine. DEP rested on the video where I was able to hear idling for longer than 3 minutes. Respondent asserted that a lift gate was in use. However, what is seen is someone carry a dolly and the lift gate is up (ie not lowered and not in use). Therefore, the vehicle was idling for longer than 3 minutes while the lift gate was not in use. Respondent also presented no evidence and has not met its burden of establishing that a processing device

was in use. Therefore, Respondent is found in violation and a \$350 fine is imposed.



07/06/2026

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Mitchell Rubinstein, Judicial Hearing Officer

Date