



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000910052M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 03/19/2026 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
000910052M	Sustained	09/25/2024	Amsterdam Ave btwn W.108th St & W.109th St Manhattan

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

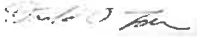
Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on March 19, 2026. Petitioner was represented by Inspector Monica Dorson. Respondent was represented by authorized representative Ilma Babu.

The summons charged a violation of 24-163 of the Administrative Code, idling a motor vehicle engine for longer than three minutes, charged as a third violation. . Petitioner offered into evidence a redacted idling complaint, images captured by the citizen complainant, and disposition information on the prior violations (Ex. 1). Petitioner also provided a video, which was viewed during the hearing.

Respondent argued the the engine test results were negative. The Board cited DEP v. Monarch Supply Corp, Appeal No. 2400960 (July 25, 2024), in which the Appeals Board reiterated its prior ruling, " While Petitioner is not required to submit the citizen complainant's video at the hearing, even where a video has been presented, it is not fatal to the summons that it does not clearly show the vehicle vibrating, producing visible emissions, or making audible engine noise." Responent offered no evidence or testimony to rebut the allegation of idling, and did not assert an affirmative defense.

I credit the summons. The summons is sustained.

	
03/23/2026	03/23/2026
Donald Lash, Judicial Hearing Officer	Date