



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000902181Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO L P Hearing Date: 04/07/2026 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
000902181Z	Sustained	11/27/2024	2nd St bet. Ave A & Ave B Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Ilma Babu appeared for the named Respondent. Petitioner waived their appearance.

Respondent testified that she had reviewed the videos and corresponding evidence for the summons prior to the hearing.

Respondent submitted Petitioner's evidence which included a 4:50 minute video and other documents (resp. exhs. A-D).

Respondent testified that the truck was idling because the lift gate was going to be used. She cited the fact that the back of the truck was open and there were large items visible inside the truck.

While the cited section of law does provide an exception to the idling ban, if a processing device is in use, Petitioner's video fails to show the lift gate in use during the video and therefore the exception does not apply.

I credit the Petitioner and sustain the charge.

The approved penalty is imposed.



04/09/2026

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Susan Kippins, Judicial Hearing Officer

Date