



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000856528Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 02/11/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000856528Y	Sustained	06/14/2024	ON AVE C BETWEEN E 7TH ST AND E 6TH ST Manhattan

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

Findings of Fact & Conclusions of Law

Ilma Babu appeared on behalf of the Respondent, Penske Truck Leasing Corporation.

The Petitioner waived appearance by email.

The summons alleges a violation of NYC Administrative Code 24-163, idling of motor vehicle engine for more than three minutes, 1st offense, Respondent caused or permitted the idling of a motor vehicle while parked, standing, or stopped. As per DEP records, citizen observed truck with IN license plat #3486377 idling for longer than three minutes from 6/14/2024 6:14:40 PM to 8/26/2024 6:18:30 PM on Ave C between E 7th St. and E 8th St.

Ms Babu presented the video taken by the citizen complainant. Ms Babu stated that the liftgate was out and on the ground and stated that the lift needs two people to operate it. As a result, they cannot be expected to turn the vehicle engine off every three minutes.

I find that the video shows that the liftgate, while lowered, is not actually used at any point during the three-minute video. The law does provide an exception for active loading and unloading using a liftgate, however, in this instance, there is no active loading or unloading observed.

I find that the Respondent has not made a case that the active loading and unloading exception should apply in this instance.

The summons is sustained.

<i>Sean Gralton</i>	
02/11/2026	02/11/2026
Sean Gralton, Judicial Hearing Officer	Date