



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000918806X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 02/11/2026 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
000918806X	Sustained	01/09/2025	ON FLATBUSH AVE EXT BETWEEN DEKALB AND FULTON STS Brooklyn

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 Co Lp.

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 #3525058 idling for longer than three minutes from 1/9/2025 7:06:27 AM to 1/9/2025 7:09:55 AM on Flatbush Ave Ext. between DeKalb Ave and Fulton St.

Ms Babu presented the video taken by the citizen complainant. Ms Babu stated that the video only shows the front of the truck and does not show whether a liftgate was in use at the back of the truck during the period of the video.

I find that the first five seconds of the video clearly shows the rear of the cited vehicle and that the cited vehicle does not, in fact, have a liftgate.

I find that the Respondent has not established a defense to the valid prima facie case stated in the summons.

The summons is sustained.

	
02/11/2026	02/11/2026
Sean Gralton, Judicial Hearing Officer	Date