



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

ILMA BABU - NACMIAS LAW FIRM PLLC  
592 PACIFIC STREET  
Brooklyn, NY 11217

Summons# : 000860915X et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO L P

Hearing Date : 1/13/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 600.00

Community Service(Hr): Not Applicable

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                            |
|------------|------------------------|--------------------|------------------------------------------------|
| 000860915X | Sustained              | 04/09/2024         | w.46th St btwn 6th Ave & 7th<br>Ave, Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1K      | 24-163 (F)          | Sustained | 600.00  |

Total Penalty for Summons: 600.00

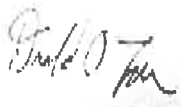
### Findings of Facts & Conclusions of Law

The hearing was conducted by telephone on Court Call on January 13, 2026. Petitioner was represented by Inspector Dantney Parks. Respondent was represented by authorized representative Ilma Babu.

The summons charged a violation of 24-163(f) of the Administrative Code, idling a motor vehicle engine for longer than one minute while adjacent to Jaqueline Kennedy Onassis High School, charged as a third or subsequent violation. Petitioner offered into evidence a redacted idling complaint and supporting images, along with disposition information for the prior violations cited in the summons (Exhibit 1).

Respondent moved to dismiss the summons because the videographer did not show the school, or a sign indicating the proximity of the school. Respondent stated that current guidelines for the citizen idling complaint program instruct complainants to capture some image to support the allegation that the vehicle is adjacent to the school. Petitioner did not dispute the characterization of the current guidelines, but asserted the school is on W.46th Street between 6th Avenue and 7th Avenue, the place of occurrence. The guidelines are internal to DEP, and do not have a bearing on whether the summons states a prima facie case. Respondent did not attempt to rebut the allegation that the vehicle was adjacent to the school named in the summons.

I credit the summons. The summons is sustained.

|                                                                                                 |            |
|-------------------------------------------------------------------------------------------------|------------|
| <br>01/13/2026 | 01/13/2026 |
| Donald Lash, Judicial Hearing Officer                                                           | Date       |