



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street 592 Pacific Street Brooklyn, NY 11217	Summons No: 000871434Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION LP. Hearing Date: 05/27/2026 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
000871434Z	Sustained	07/20/2024	ON EAST HOUSTON STREET B/W ATTORNEY & CLINTON STREETS Manhattan

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

Findings of Fact & Conclusions of Law

Petitioner appeared by DEP representative, Andy Guzman. Respondent PENSKE TRUCK LEASING CORPORATION LP., appeared by its attorney, Michael Sargo Esq., to answer a charge of allowing its truck to idle for more than 3 minutes without any mechanical movement while parked, standing or stopped.

Mr. Guzman stated that the charge was based on a citizen complaint, and submitted pictures of the cited truck and location; the citizen affidavit; and a time-stamped video of the incident (see Pet. Exhs A, B, C & D). It is noted that the video was unable to be uploaded into OATHs ATAS platform. I however viewed the summons during and after the hearing.

In response, Mr. Sargo stated that it appears that at the 2 minutes and 23 seconds mark the video shows a worker place a package on the liftgate and that the liftgate may have in use at that time.

Mr. Guzman stated that the liftgate was in the down position and was not in use for over 3 minutes in the video recording. I agree.

I credit the allegation in the summons as well as testimony and evidence presented by Mr. Guzman. While I credit Mr. Sargo's testimony, it neither rebuts the charges nor establishes a valid defense to the violation. I find based on the evidence presented that the liftgate was not in use for over 3 minutes, while the truck was idling on the day in question. Accordingly, I find that Responent's truck improperly idled for more than 3 minutes on the day in question, while parked, standing or stopped. Therefore, the summons is SUSTAINED.



06/02/2026

06/02/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date