



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET, 1st floor Brooklyn, NY 11217	Summons No: 000872372R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 03/02/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000872372R	Dismissed	08/06/2024	ON E 5TH ST BETWEEN AVE A AND AVENUE B Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Summons # 000872372R was issued to respondent Penske Truck Leasing Corporation for a violation of section 24-163(f); Idling of a motor vehicle engine for more than one minute while adjacent to school, from 8/6/24 1:32:15 PM to 8/6/24 1:34:54 PM, 1st offense.

Ilma Babu appeared for the respondent.

Michael Grosso appeared by email for the Petitioner, DEP and stated that there were no representatives available and the Department is relying on the summons.

The respondent submitted a copy of the video. See Respondent's Exhibit A.

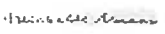
The respondent stated that you cannot see the back of the truck. You cannot see in the video if the truck is by a school or park. There is no school there.

The summons is not credited.

It is not evident from the evidence submitted by the respondent that the truck is adjacent to a park or a school. The video produced does not demonstrate that the truck was clearly near a school or park and the DEP did not appear to present the complaint or their view. There is no signage or actual view of a school or park in the video.

I do not find that the Petitioner has not established that the respondent was idling for more than one minute while adjacent to a school or a park.

Accordingly, the summons is dismissed.

	
03/02/2026	03/02/2026
Michelle Mason, Judicial Hearing Officer	Date