



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000896618Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 11/19/2025 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
000896618Y	Sustained	05/21/2024	39-39 23 STREET Queens

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

Findings of Fact & Conclusions of Law

Leah Smith appeared for Petitioner and showed a short video with screen shots taken from it, a redacted idling complaint and evidence that the vehicle was owned by Respondent. After viewing the evidence, Ilma Babu, authorized representative appearing for Respondent, said that the video doesn't clearly show idling for longer than allowed but had nothing to rebut it. Ms. Smith said that the facts are deemed to make out a violation and Respondent needs to offer some rebuttal, other than that the video didn't show the idling clearly. I agree.

I find that Respondent's vehicle was idling for longer than allowed by the cited law.

Accordingly, the summons is sustained.



11/19/2025

11/19/2025

Joan Silverman, Judicial Hearing Officer

Date