



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000898898R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 11/18/2025 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
000898898R	Sustained	05/22/2024	FULTON ST. betw'n. S. ELLIOTT PL & S. PORTLAND AVE. Brooklyn

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

Findings of Fact & Conclusions of Law

The respondent was represented by Ilma Babu. The petitioner was represented by Insp. Antwan Gibbs. The summons alleges that the respondent's vehicle was observed idling for more than three minutes without a valid reason. The petitioner has provided credible evidence to establish that the vehicle was idling for three (3) minutes during which time it was using a refrigeration unit. However, the refrigeration unit did not require that the vehicle engine be engaged to operate properly. The respondent has denied the charged violation and argues that the video fails to establish that the vehicle was in fact idling for the three (3) minute period. The respondent argues that the sound heard is solely that of the refrigeration unit. I find that the respondent's statement is insufficient to either rebut the charged violation or establish a valid defense thereto. As such, the summons is sustained, and the appropriate penalty assessed.



11/18/2025

11/18/2025

Patricia Cardoso, Judicial Hearing Officer

Date