



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000930044K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 11/21/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000930044K	Sustained	10/21/2024	39 WEST 23 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on November 21, 2025. Petitioner waived its appearance through Michael Grosso, Esq. via email. Respondent appeared through Ilma Babu, authorized representative.

Respondent was charged with a violation of AC 24-163 after the IO alleged Petitioner's records reflected a citizen-complainant's observation of the Respondent's van idling for longer than three minutes while parked, standing or stopped. The IO charged the violation as a second offense and cited a prior summons in support.

Ms. Babu submitted still images from the citizen-complainant's video, as well as the complaint form, into the record. See

Resp. Ex. A. She argued that Respondent was not proper party as the cited van did not have Penske on the door but, instead, the name of a local development corporation.

I credit the IO's sworn statement that Respondent's truck was observed idling for longer than three minutes while parked, standing or stopped and find this establishes Petitioner's prima facie case. Though I credit that the cited van displays a name other than the Respondent's, Respondent's evidence fails to foreclose the possibility that Respondent does in fact own or is otherwise responsible for the van and permitted the idling.

The cited prior is in fact valid.

I therefore find Respondent in violation and impose the standard penalty for a second offense.



11/25/2025

11/25/2025

Charles Simpkins, Judicial Hearing Officer

Date