



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 000931997Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 12/05/2025 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
000931997Y	Sustained	02/14/2025	ON COURT ST btw BUTLER ST and Douglass St Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Martin Joyce with Inspector Edward Sferrazza, as an observer. Respondent appeared by ILMA BABU, authorized representative.

This hearing was conducted *via* telephone on December 5, 2025.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than 3 minutes.

At the telephonic hearing, held on December 5, 2025, the representative for Petitioner relied on (1) the citizen's complaint and photos of the vehicle with the license plate, US DOT information (2) and a video of the vehicle taken by the citizen complainant. See, Petitioner's Exhibits 1-2.

The citizen complaint states, "Commercial vehicle spotted idling in excess of three minutes. Engine is clearly audible in the video, and I also personally was

clearly able to hear the engine and can state with certainty that I wasn't mistaking it for other street noises. Idling is not due to refrigeration or to operate a lift or any other exceptions."

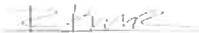
DEP argued that the equipment on the rear is separate and not attached.

Respondent argued that the video only depicts the front of the vehicle and there is a device on the rear.

I disagree with the Respondent. At the end of the video, the truck rear is depicted and there was no visible worker approaching the vehicle and the vehicle remained fixed at the location.

Respondent has not presented a valid defense.

Sustained.



12/05/2025

12/05/2025

Rebecca Kramer, Judicial Hearing Officer

Date