



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592PACIFIC STREET
BROOKLYN,NY 11217

Summons# : 000932048R et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO LP

Hearing Date : 12/5/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000932048R	Sustained	02/07/2025	117 9 STREET, Brooklyn

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

Total Penalty for Summons: 350.00

Findings of Facts & 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, (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

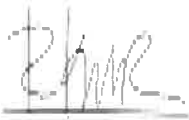
clearly able to hear the engine and can state with certainty that I wasn't mistaking it for other street noises. Idling is not due to refrigeration or to operate a lift or any other exceptions."

Respondent argued that the video only depicts the front of the vehicle and there are workers loading the vehicle with a forklift.

I disagree with the Respondent, at the end of the video, the truck rear door is open and the workers are using a separate forklift to load it.

Respondent has not presented a valid defense.

Sustained.



12/05/2025

12/05/2025

Rebecca Kramer, Judicial Hearing Officer

Date