



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000881129L et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO LP

Hearing Date : 12/8/2025

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
000881129L	Sustained	07/26/2024	ON W. 31ST STBETWEEN 10TH AVE A, Manhattan

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

This telephone hearing was held on December 8, 2025. Petitioner, NYCDEP, appeared by Representative Andy Guzman. Respondent, Penske Truck Leasing Co. LP, appeared by Ilma Babu, Authorized Representative.

This summons alleges a violation of NYC Administrative Code §24-163 (Idling of motor vehicle). In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 7/26/24, a citizen-complainant observed a truck with IN License Plate #2808431 idling for longer than three minutes on W. 31st Street between 10th Avenue and Dyer Avenue Underpass.

Mr. Joyce relied on the sworn statements of the IO in the summons.

Ms. Babu stated that Respondent denied this violation. She did not provide any testimony or evidence to rebut this charge.

NYC Administrative Code § 24-163 states in relevant part that "No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device..."

I credit the Petitioner's evidence and the IO's affirmed statements in the summons regarding the citizen's complaint concerning the idling of the engine of Respondent's truck. I further find that Respondent permitted the idling of its engine for more than three minutes while parked and that Respondent did not establish a defense to this charge. This violation is sustained and a penalty of \$350 is imposed.

Barbara Halper

12/08/2025

12/08/2025

Barbara Halper, Judicial Hearing Officer

Date