



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000881152J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 12/08/2025 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
000881152J	Sustained	09/03/2024	Thompson Street between Watts and Grand Streets Manhattan

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

Findings of Fact & 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 9/3/24, a citizen-complainant observed a truck with IN License Plate #3360385 idling for longer than three minutes on Thompson Street between Watts and Grand Streets.

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