



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000881619Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 12/09/2025 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
000881619Y	Sustained	09/22/2024	On East Houston Street btw Attorney & Clinton Streets Manhattan

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

Findings of Fact & Conclusions of Law

The summons is sustained.

The Respondent, PENSKE TRUCK LEASING CO. LP, appeared by its authorized representative, Ilma Babu, NACMIAS LAW FIRM PLLC. The Petitioner, NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION, appeared by its representative, Inspector, Dantney Parks.

The summons alleges a violation of NYC Air Pollution Control Code Section 24-163, Idling of a Motor Vehicle engine over three (3) minutes. The Issuing Officer specifically alleges in details of the violation that the charge was based on a Citizen Complaint

alleging that Respondent's truck with IN license plate #3485660 was idling for longer than three (3) minutes on September 22 2024, beginning at 6:25:15 PM on East Houston Street between Attorney and Clinton Streets in Manhattan.

Petitioner's representative relied on the summons for Petitioner's main case and produced the following evidence in support of the summons: 1) a redacted idling complaint form (Px1), 2) a photograph of the subject vehicle's license plate (Px2); 3) a photograph of the side of the subject vehicle including the name of the company (Px3); 4) a Department of Motor Vehicles search for the subject vehicle (Px4) and 5) a video taken by the complaining citizen of the violating condition including what appears to be the sound of an idling vehicle (Px5). Petitioner's representative stated that while the vehicle did not appear to be using any of its equipment for loading or unloading items during the video.

Respondent's representative denied the existence of the violating condition and noted the following: 1) the vehicle had a lift device 2) the video does not show what is happening at the back of the vehicle.

Petitioner's representative agreed that the vehicle has a processing device but it was not engaged at the time the truck was seen idling by the citizen-complainant. Petitioner's representative noted that the video at 4:30 showed that the lift was up it was locked in place and never moved throughout the video.

I find on the Petitioner's credible case that the violating condition described in the summons existed and the standard penalty is imposed.

The summons is sustained.

Jamin Sewell

12/09/2025

12/09/2025

Jamin Sewell, Judicial Hearing Officer

Date