



Office of Administrative Trials and Hearings

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn,NY 11217	Summons# : 000933868R et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO L P Hearing Date : 5/12/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 350.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000933868R	Sustained	02/23/2025	East 9th Street (between Avenues C and D),

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

Ilma Babu appeared for the Respondent. The Petitioner was represented by Michael Grosso.

The Respondent was charged with idling the engine of a vehicle for more than three minutes at on East 9th Street (between Avenues C and D) in Manhattan on February 23, 2025.

The Petitioner relied on the summons and submitted supporting evidence (PET EXHS 1-5, supporting docs and a mobile device video). The Respondent's Counsel argued that the vehicle's operator was engaged in a commercial delivery and that the submitted evidence failed to illustrate such activity. The Petitioner argues that a portion of the video demonstrated that the vehicle's liftgate was not in use and that not commercial activity was taking place at the time of issuance.

I find the Petitioner's summons to be persuasive evidence that the Respondent was in violation on the date of issuance.

The summons is hereby sustained.

 05/14/2026	05/14/2026
Claude Charles, Hearing Officer	Date