



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                    |                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592PACIFIC STREET<br>Brooklyn,NY 11217 | <b>Summons No: 000934375N et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE TRUCK LEASING CO L P</b><br><br><b>Hearing Date: 05/12/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount:\$350.00</b>         |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>                    |
|------------------|----------------------------|---------------------------|-----------------------------------------------|
| 000934375N       | Sustained                  | 02/11/2025                | INTERSECTION OF E 6TH ST<br>AND AVE Manhattan |

| <b>LINE<br/>ITEM</b> | <b>OATH<br/>CODE</b> | <b>CODE<br/>SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|----------------------|----------------------|------------------------------|---------------|----------------|
| 1                    | BA51                 | 24 -163                      | Sustained     | \$350.00       |

**Findings of Fact & 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 the intersection of on East 6th Street and Avenue D) in Manhattan on February 11, 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 lift gate 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.



05/15/2026

05/15/2026

Claude Charles, Judicial Hearing Officer

Date