



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000937367R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 01/07/2026 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
000937367R	Sustained	08/07/2024	237 EAST 86 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Petitioner appeared by A. Guzman. Respondent appeared by I. Babu. Petitioner charges Respondent with a violation of NYC AC 24-163. Mr. Guzman submitted documents and video to support the charge (Pet Ex 1). Ms. Babu challenged the video evidence, explaining the gate had just been lifted and Respondent was finishing work at the cited time. Mr. Guzman argued that since the lift was up and not moving, Respondent could not avail themselves of the defense that they were using a processing device. I agree with Petitioner. I credit the summons as establishing a prima facie case. I find the video supports the charge. I do not find Respondent has persuasively rebutted the evidence. No further valid defense or evidence was presented. I credit the allegations in the summons and find Respondent was in violation on the cited date. I uphold the violation and impose the standard penalty.



01/09/2026

01/09/2026

Kristina Ross, Judicial Hearing Officer

Date