



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET
Brooklyn, NY 11217

Summons# : 000938493M et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO L P

Hearing Date : 1/13/2026

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
000938493M	Sustained	03/06/2025	Spring St btwn Broadway & Mercer St, Manhattan

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

Total Penalty for Summons: 350.00

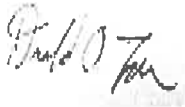
Findings of Facts & Conclusions of Law

The hearing was conducted by telephone on Court Call on January 13, 2026. Petitioner was represented by Inspector Dantney Parks. Respondent was represented by authorized representative Ilma Babu.

The summons charged a violation of 24-163 of the Administrative Code, idling a motor vehicle engine for longer than three minutes. Petitioner offered into evidence a redacted idling complaint and supporting images (Exhibit 1). Petitioner also provided a video, which was viewed during the hearing.

Respondent moved to dismiss the summons because the liftgate was down on the ground throughout the video. Respondent stated that although the liftgate was not in motion, the workers may have been preparing to use it.

I do not find that respondent rebutted the allegations in the summons or established an affirmative defense. I credit the summons. The summons is sustained.



01/13/2026

01/13/2026

Donald Lash, Judicial Hearing Officer

Date