



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000938655X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 01/14/2026 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
000938655X	Sustained	02/20/2025	INTERSECTION OF WOOSTER ST AND BROOME ST Manhattan

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

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on January 14, 2026.

Ilma Babu, authorized representative for Respondent, appeared at the hearing. No appearance on behalf of Petitioner DEP

The Summons charges code section 24-163 for idling of motor vehicle for more than three minutes, 1st offense. Respondent's representative generally denied the violation but did not present any rebuttal.

I credit the summons details and find that the Petitioner has established a valid charge against the Respondent. Petitioner

established its prima facie case through the IO's affirmed statement in the Summons. See 48 RCNY § 6-12(b). Once Petitioner established its case, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). Since no rebuttal or defense was given to refute the charge or establish an affirmative defense, I find Respondent in violation and impose the standard penalty of \$350. The Summons is upheld.



01/14/2026

01/14/2026

Randee Rubenstein, Judicial Hearing Officer

Date