



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn,NY 11217	Summons No: 000941853Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 01/27/2026 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
000941853Y	Sustained	08/22/2024	ON W 26TH ST BETWEEN W 27TH ST AND 9th Ave Manhattan

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

Findings of Fact & Conclusions of Law

ILMA BABU appeared as the authorized representative of the named respondent. Inspector Guzman for the Department. The summons cites a violation of 24-163.

The Petitioner submitted photos, and the idling summons affidavit and complaint.

A video which exceeded three minutes was played into the record and described.

The respondent contended that the lift gate was out. The lift gate would not usually be out if there was no work going on. If the

driver were alone, he might have to close the back of the truck. He might assume that he was quickly going in and out on his deliveries.

The Petitioner contended that the liftgate was not in use.

I find the sworn account of the issuing officer and the Petitioner's other evidence to be credible, and that it establishes the charge. The respondent failed to set forth a valid legal defense. The liftgate was not in actual use. Even if the scenario were as described by the respondent, the worker would still not be allowed to leave the engine running while he went in and out on his deliveries, but rather, would be obligated to have the engine off if the time the errand took actually exceeded three minutes. Accordingly, the summons is sustained.



01/27/2026

01/27/2026

Amy Jill Baranoff, Judicial Hearing Officer

Date