



Office of Administrative Trials and Hearings

Hearings Division

Decision

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

Summons# : 000890271R et al. (5 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO L P

Hearing Date : 2/13/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,650.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000890271R	Sustained	11/12/2024	273 WEST 38 STREET, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000810301Z	Dismissed	11/06/2024	ON E 7TH STBETWEEN AVE B AND AV, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000944831R	Sustained	08/26/2024	359 West 45 Street, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000944878Y	Sustained	08/26/2024	85 Quay Street, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000944883Z	Sustained	08/26/2024	294 Columbus Ave, Manhattan

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

Findings of Facts & Conclusions of Law

Five summonses were issued by the NYC Department of Environmental Protection for idling of motor vehicle engine.

Petitioner, DEP appeared by Edward Sperrazza, and overseen by Andy Guzman.

Respondent appeared by ILlma Babu, Representative.

Petitioner submitted into the record, photographs, redacted citizen affidavit and video of the condition cited, without objection.

- 1) As to summons 000890271R idling of motor vehicle engine, for more than three minutes;

Petitioner relied on the summons and evidence in the record.

Respondent denied the violation stating that a package was being delivered, and thus the vehicle was entitled to idle.

Petitioner argued that a processing device is a defense to the violation, and that no such processing device was in use.

It is clear from the evidence, that no processing device was in use.

As such, based on the record before me, the violation is sustained and the standard penalty is hereby imposed.

- 2) As to summons 000890301Z, idling of motor vehicle engine for more than one minute, in front of a school.

Petitioner relied on the summons and evidence in the record.

Respondent denied the violation stating that there was no evidence of a school in the evidence and video.

Petitioner moved into evidence a google map showing the location is near a park.

Petitioner argued that the car was idling near a park.

The summons is dismissed in that it improperly cites 24-163(f), and fails to state a prima facie case.

Furthermore, neither the photographs no video in evidence, show the park where the idling may have occurred.

As such, based on the record before me, the summons is hereby dismissed.

- 3) As to Summons 000835976P, idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner relied on the summons and evidence in the record.

Respondent denied the violation but offered no rebuttal into the record.

As such, based on the record before me, the violation is sustained and the standard penalty is imposed.

- 4) As to Summons 000944818Y, idling of motor vehicle engine for more than three minutes, as a second offense.

Petitioner relied on the summons and evidence in the record.

Respondent denied the violation but offered no rebuttal into the record.

As such, based on the record before me, the violation is sustained and the standard penalty is imposed as a second offense.

- 5) As to Summons 000944831R, idling of motor vehicle engine for more than three minutes, as a first offense.

Petitioner relied on the summons and evidence in the record.

Respondent denied the violation but offered no rebuttal into the record.

As such, based on the record before me, the violation is sustained and the standard penalty is imposed.



02/13/2026

02/13/2026

John Ciafone, Judicial Hearing Officer

Date