



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000944658M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 02/06/2026 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
000944658M	Sustained	06/25/2024	321 STERLING PLACE Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Insp. Datney Parks.

Respondent appeared by representative ILMA BABU - NACMIAS LAW FIRM PLLC.

658M-

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

At the telephonic hearing, held on February 6, 2026, the representative for Petitioner relied on the Issuing Officer's affirmed statement on the summons and (1) and complaint (2), two photographs of the truck with Respondent's business and license plate depicted on the vehicle (3), and 1 video of the vehicle taken by the citizen complainant (4). See, Petitioner's Exhibits 1-4.

The complaint states, "Vehicle idled for more than THREE MINUTES without stopping.

There was no use of a loading lift or lift gate observed during this time. There was no other equipment operating. There was no process work done that required the engine to idle. I personally observed this vehicle parked and idling for longer than three minutes with no valid purpose. The vehicle was idling before I arrived. The engine ran during the entire duration of the video, which was longer than three minutes. I could hear the vehicle idling; I could also hear and smell emissions from the exhaust. All of these are evidence that demonstrate that the engine was idling. The vehicle is not a passenger transport. It is a vehicle primarily intended for transporting products, goods, or equipment.."

Petitioner states that the video depicted the vehicle idling with unloading activity for more than 3 minutes and that there was idling with hand unloading with no idling necessary.

DEP states that there was no processing device on the video and a clear engine noise.

The video was viewed by all parties at the hearing.

Respondent states that the video depicted only the front surveillance of the vehicle and the video depicts the brake being used.

Code § 24-163(a) provides in pertinent part:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], *standing* as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless *the engine is used to operate a loading, unloading or processing device*. [Emphasis added.]

The video demonstrates that the vehicle engine was on, there was an audible sound of the engine idling, the name and plate of the vehicle were depicted, there was no vehicle activity other than the idling of the engine, and the sounds were the brakes but no depiction of loading/unloading with no lift gate operations visible in the video.

Respondent did not establish the brakes were in use, requiring the engine to idle.

Accordingly, the summons for violating Code § 24-163 is sustained and the standard civil penalty is imposed.

	
02/11/2026	02/11/2026
Rebecca Kramer, Judicial Hearing Officer	Date