



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000947893X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 02/18/2026 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
000947893X	Sustained	07/29/2024	ON FLATBUSH AVE EXT BETWEEN DEKA Brooklyn

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

Findings of Fact & Conclusions of Law

Respondent Clearview PENSKE TRUCK LEASING CO LP was issued a summons alleging that on 7/29/25, Respondent's truck with IN license #3127645 was idling for more than three minutes at the above indicated place of occurrence, in violation of AC section 24-16.

On 2/18/26, the hearing was conducted by telephone. Respondent appeared by its authorized representative Ilma Babu., Petitioner DEP waived its appearance.

Ms. Babu denied the charge. She said she viewed the video captured by the citizen complainant online and the video is

insufficient to establish an idling violation because it does not show the back of the truck at all for the duration of the video.

Per section 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), a summons affirmed under the penalty of perjury is prima facie evidence of the facts stated therein. Here, the Issuing Officer affirmed under the penalty of perjury that he verified Respondent's vehicle idled for longer than three minutes at the cited date, time, and location based on a review of DEP record. The Board found that that was that was sufficient to establish Petitioner's prima facie case. See, DEP V. Franmar Leasing LLC, Appeal Nos. 2501375 & 2501376 (January 29, 2026); see, also DEP v. Shark Transportation Inc, Appeals Nos. 2201180 & 2201182 (January 26, 2023). Per 48 RCNY section 6-12(a), the burden then shifted to Respondent to present evidence refuting Petitioner's evidence or establishing an affirmative defense. Here, Respondent failed to present any evidence refuting Petitioner's evidence. Accordingly, I find Respondent in violation. I sustain the summons and impose the mandatory penalty.

Didi Skaff

02/27/2026

02/27/2026

Didi Skaff, Judicial Hearing Officer

Date