



Office of Administrative Trials and Hearings

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons# : 000892804J et al. (2 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date : 4/6/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 700.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000892804J	Sustained	04/28/2024	88 CENTRAL PARK WEST, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	350.00

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000948853X	Sustained	09/13/2024	ON BROOME ST BETWEEN MULBERRY ST

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

000892804J

Ilma Babu appeared on behalf of Respondent for a phone hearing on April 6, 2026 in response to the above-issued summons. Senior Insp. Monica Dorson appeared on behalf of Petitioner Department of Environmental Protection.

Petitioner relied on the sworn statements contained in the summons. Petitioner claimed that there is no active loading/unloading or processing device that requires the engine to be running. Petitioner submitted video evidence of the idling vehicle; the citizen complaint; and photos showing the vehicle and license plate.

Respondent claimed that the video shows that the vehicle is in a park transporting porta poties; and it is not adjacent to a park, it is inside the park.

Petitioner claimed that if a vehicle cannot idle while adjacent to a park, it cannot idle while in a park.

I credit the observations contained in the summons, and the evidence submitted, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's defense and find that Respondent has not established a valid basis for dismissal. I find that the vehicle was idling in violation of 24-163. Therefore, the summons is sustained and the standard penalty is imposed.

000948853X

Ilma Babu appeared on behalf of Respondent for a phone hearing on April 6, 2026 in response to the above-issued summons. Senior Insp. Monica Dorson appeared on behalf of Petitioner Department of Environmental Protection.

Petitioner relied on the sworn statements contained in the summons. Petitioner claimed that there is no active loading/unloading that required the use of a processing device. Petitioner submitted video evidence of the idling vehicle; the citizen complaint; and photos showing the vehicle and license plate.

Respondent claimed that the video shows that work is actively being done; there are large items being removed from the vehicle; and the lift would have needed to be used shortly.

Petitioner claimed that the employees were doing work that did not require the engine; and idling in anticipation of the lift being used is not an exemption.

I credit the observations contained in the summons, and the evidence submitted, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's defense and find that Respondent has not established a valid basis for dismissal. Therefore, the summons is sustained and the standard penalty is imposed.



04/06/2026

04/06/2026

Corey Lederman, Hearing Officer

Date