



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000892040Z et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ON PENSKE TRUCK LEASING CORPORATI

Hearing Date : 2/24/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000892040Z	Sustained	11/21/2024	AVE B btw E 2ND ST AND E 3 ST, Manhattan

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

This matter was heard remotely, via telephonic conference, on February 24, 2026. Respondent appeared via Ilma Babu, identified as the authorized representative for the named respondent. Petitioner waived their appearance.

The summons alleges a violation of NYC AC 24-163. The date of occurrence was November 21, 2024, at 8:56am.

Respondent presents the citizen's video, as evidence; the video is 4:25 in length, time-stamped in accordance with the summons. Respondent testifies that the lift gate is down, and thus, "active work is commencing" at that moment, even if the lift is not actively "going up or down" during the recording.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges, as a processing device must be in active use, in order to qualify as an exemption to the idling laws. Accord DEP v. Ultimate Signs & Designs Corp, Appeal No. 2200825 (September 29, 2022)

As such, the summons is hereby sustained, and the statutory penalty is imposed.



02/24/2026

02/24/2026

Craig Messing, Judicial Hearing Officer

Date