



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET FIRST FLOOR Brooklyn, NY 11217	Summons# : 000949059N et al. (3 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date : 2/24/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	1,050.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000949059N	Sustained	05/20/2024	270 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
000949239K	Sustained	09/12/2024	110 EAST 63 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
000949467M	Sustained	09/18/2024	30 HUDSON YARDS, 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.

000949059N

The summons alleges a violation of NYC AC 24-163. The date of occurrence was May 20, 2024, at 3:31pm.

Respondent presents the citizen's video, as evidence; the video is 4:19 in length, time-stamped in accordance with the summons. Respondent testifies that work was being done at the time, and the driver was "signing off" to get ready to leave. Respondent does acknowledge that the engine is on, and no processing device appears to be in use, but it does "take a few minutes for the driver to sign off."

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges, as respondent concedes that the engine was idling, and no processing device or other exemption to the idling laws was applicable at the time of occurrence.

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

000949467M

The summons alleges a violation of NYC AC 24-163. The date of occurrence was September 18, 2024, at 4:55pm.

Respondent presents the citizen's video, as evidence; the video is 3:36 in length, time-stamped in accordance with the summons. Respondent testifies that the citizen had the camera at an angle, and it was hard to tell which vehicle was being targeted, and that no clear engine sounds are audible in the video.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges. My viewing of the video shows that there is a clear, audible engine noise throughout the video, which gets louder when the citizen approaches the cited vehicle, at the very end of the video.

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

000949239K

The summons alleges a violation of NYC AC 24-163. The date of occurrence was September 12, 2024, at 9:29am.

Respondent denies the charges, without rebuttal.

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