



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000950513M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 02/26/2026 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
000950513M	Sustained	10/11/2024	455 5 AVENUE Manhattan

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, did not appear. Respondent appeared by ILMA BABU - NACMIAS LAW FIRM PLLC.

This hearing was conducted via telephone on February 26, 2026.

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.

Respondent's representative acknowledged viewing the DEP video.

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.]

Respondent argued that at the halfway point in the video the vehicle engine goes off, the driver exited the vehicle.

The video depicted the operator having lunch inside the cab of the truck, with the engine on, and then leave the vehicle —with the door open—and return to the running vehicle.

Respondent did not present evidence that the vehicle was eligible for an exception to the law.

I credit the summons and the civilian's video was reviewed during the hearing with the Respondent's representative. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for the 1st offense.



02/26/2026

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Rebecca Kramer, Judicial Hearing Officer

Date