



Office of Administrative Trials and Hearings
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET, 1st floor Brooklyn, NY 11217	Summons No: 000892193J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 03/02/2026 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
000892193J	Sustained	11/21/2024	INTERSECTION OF E 3RD STREET and 1ST AVENUE Manhattan

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

Findings of Fact & Conclusions of Law

Summons # 000892193J was issued to respondent Penske Truck Leasing Co. LP for a violation of section 24-163; idling of a motor vehicle engine for more than three minutes, 1st offense.

Ilma Babu appeared for the respondent.

Michael Grosso appeared by email for the Petitioner, DEP and stated that there were no representatives available and the Department is relying on the summons.

The respondent submitted a copy of the video. See Respondent's Exhibit A.

The respondent stated that the lift gate was down. Work is supposed to be done. You do not see the worker in the video. If there is one worker, then he must leave the lift gate down, so he can load or unload quickly.

The summons and video are credited.

The video showed a truck continuously idling for longer than three minutes; it idled for 4 minutes and 19 seconds. There were audible engine sounds throughout the video. The lights were on. The lift gate was down. There was no loading or unloading taking place and there was no processing device in operation. There were no items on the lift gate, there were some items in the rear of the truck. There were no employees outside the truck that were visible in the video.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

The fact that a worker would leave the lift gate down with the engine idling so he could load or unload quickly is not an exemption under section 24-163.

Accordingly, the summons is sustained and a first offense penalty in the amount of \$350.00 is imposed.

Michelle Mason

03/02/2026

03/02/2026

Michelle Mason, Judicial Hearing Officer

Date