



# Office of Administrative Trials and Hearings

Hearings Division

## Decision

|                                                                                    |                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592PACIFIC STREET<br>Brooklyn,NY 11217 | <b>Summons# : 000895118N et al. (13 summonses)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE TRUCK LEASING CORPORATION</b><br><br><b>Hearing Date : 3/10/2026</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                               |                 |                               |                       |
|-------------------------------|-----------------|-------------------------------|-----------------------|
| <b>Total Penalty Amount :</b> | <b>5,050.00</b> | <b>Community Service(Hr):</b> | <b>Not Applicable</b> |
|-------------------------------|-----------------|-------------------------------|-----------------------|

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>       |
|------------------|----------------------------|---------------------------|----------------------------------|
| 000894739L       | Sustained                  | 05/03/2024                | 145 CLINTON STREET,<br>Manhattan |

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

**Total Penalty for Summons: 350.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE     |
|------------|------------------------|--------------------|-------------------------|
| 000895118N | Sustained              | 07/30/2024         | 30 VESSEY ST, 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<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                          |
|------------|------------------------|--------------------|----------------------------------------------|
| 000895184L | Sustained              | 01/10/2024         | ON W 27TH ST BETWEEN<br>6TH AVE AND 7TH AVE, |

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

**Total Penalty for Summons: 350.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE             |
|------------|------------------------|--------------------|---------------------------------|
| 000895278M | Sustained              | 05/02/2024         | 58 EAST 59 STREET,<br>Manhattan |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1F      | 24 -163             | Sustained | 600.00  |

**Total Penalty for Summons: 600.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 000895530P | Sustained              | 04/29/2024         | 137 WEST 33 STREET,<br>Manhattan |

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

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Total Penalty for Summons: 350.00

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| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                      |
|------------|------------------------|--------------------|------------------------------------------|
| 000895792P | Sustained              | 07/25/2024         | 682 AVENUE OF THE<br>AMERICAS, Manhattan |

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

Total Penalty for Summons: 350.00

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| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                      |
|------------|------------------------|--------------------|------------------------------------------|
| 000896012J | Sustained              | 08/24/2024         | INTERSECTION OF W<br>72ND ST AND CENTRAL |

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

Total Penalty for Summons: 350.00

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| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE      |
|------------|------------------------|--------------------|--------------------------|
| 000896870X | Sustained              | 05/04/2024         | 2588 7 AVENUE, Manhattan |

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

Total Penalty for Summons: 350.00

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| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 000925698N | Sustained              | 07/25/2024         | 333 WEST 14 STREET,<br>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     |
|------------|---------------------|--------------------|-------------------------|
| 000925998P | Sustained           | 10/12/2024         | 750 8 AVENUE, 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              |
|------------|---------------------|--------------------|----------------------------------|
| 000926046M | Sustained           | 09/06/2024         | 412 WEST 15 STREET,<br>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           |
|------------|---------------------|--------------------|-------------------------------|
| 000926050P | Sustained           | 08/20/2024         | ON HOUSTON ST<br>BETWEEN WEST |

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

**Total Penalty for Summons: 350.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                          |
|------------|------------------------|--------------------|----------------------------------------------|
| 000953377K | Sustained              | 09/25/2024         | ON BOND ST BETWEEN<br>UNION ST AND PRESIDENT |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1F      | 24 -163             | Sustained | 600.00  |

**Total Penalty for Summons: 600.00**

**Findings of Facts & Conclusions of Law**

000925998P

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence . Therefore, the summons is sustained.

000895278M

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal. Respondent did not contest the underlying violation.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence . Therefore, the summons is sustained and a third offense penalty is imposed.

000896870X

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. Petitioner waived its appearance via email.

Respondent claimed that they do not see a school in the video; and Petitioner's evidence is insufficient to prove the claim that there was a school there. Respondent submitted the video evidence from the Petitioner in support.

The Court reviewed the video evidence upon Responent's motion and submission. I credit the observations contained in the summons, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's argument and find that Respondent has not established a valid defense to the charge. I find that the school is shown in the video evidence. Therefore, the summons is sustained and the standard penalty is imposed.

000925698N

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. Petitioner waived its appearance via email.

Respondent claimed that they were finishing work; and the driver can be seen getting into the vehicle. Respondent submitted the video evidence from the Petitioner in support.

The Court reviewed the video evidence upon Responent's motion and submission. I credit the observations contained in the summons, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's argument and find that Respondent has not established a valid defense to the charge. Therefore, the summons is sustained and the standard penalty is imposed.

000926050P

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence . Therefore, the summons is sustained.

000894739L

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence . Therefore, the summons is sustained.

000953377K

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. Petitioner waived its appearance via email.

Respondent claimed that the workers were finishing a job and getting ready to leave, and that is why the engine was on. Respondent submitted the video evidence from the Petitioner in support.

The Court reviewed the video evidence upon Respondent's motion and submission. I credit the observations contained in the summons, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's argument and find that Respondent has not established a valid defense to the charge. Therefore, the summons is sustained and a third offense penalty is imposed.

000895792P

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence . Therefore, the summons is sustained.

000926046M

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. Petitioner waived its appearance via email.

Respondent claimed that the driver finished a delivery and was getting ready to leave, as can be shown at the 2:39 mark. Respondent submitted the video evidence from the Petitioner in support.

The Court reviewed the video evidence upon Respondent's motion and submission. I credit the observations contained in the summons, and find that Petitioner proved this violation by a preponderance of the evidence. I do not credit Respondent's argument and find that Respondent has not established a valid defense to the charge. Therefore, the summons is sustained and the standard penalty is imposed.

000896012J

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. Petitioner waived its appearance via email.

Respondent claimed that there was no school or park shown in the video, and the law now requires the school or park to be shown in the video. Respondent submitted the video evidence from the Petitioner in support.

The Court reviewed the video evidence upon Respondent's motion and submission. I credit the observations contained in the summons, and find that Petitioner proved this violation by a preponderance of the evidence. I find that the park is shown in the video. Therefore, the summons is sustained and the standard penalty is imposed.

000895184L

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence. Therefore, the summons is sustained.

000895118N

Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence. Therefore, the summons is sustained.

000895530P

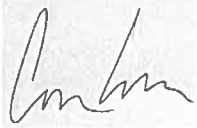
Ilma Babu appeared on behalf of Respondent for a phone hearing on March 10, 2026 in response to the above-issued summons. No appearance on behalf of Petitioner.

Respondent denied the claims with no rebuttal.

I credit the observations of the issuing officer and find that Petitioner proved this violation by a preponderance of the evidence.



Therefore, the summons is sustained.



03/10/2026

03/10/2026

**Corey Lederman, Judicial Hearing Officer**

**Date**