



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000955181H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 03/16/2026 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
000955181H	Sustained	11/06/2024	INTERSECTION OF 67TH ST AND CENTRAL PARK WEST Manhattan

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

Findings of Fact & Conclusions of Law

Respondent PENSKE TRUCK LEASING CORPORATION appeared by Auth. Rep. Ilma Babu
DEP Rep. M. Grosso waived appearance via email for Petitioner.

On 11/6/24, at INTERSECTION OF 67TH ST AND CENTRAL PARK WEST, Manhattan, the I/O issued this summons alleging a violation of 24-163(f).

Ms. Babu submitted into the record a copy of the time/date-stamped video (1 min, 21 seconds) of the alleged idling, which was reviewed by the Court.

Ms. Babu argued there is no sign of a park and no work can be observed being done because there is a fully loaded truck and other materials that would have been lifted but the video does not show that. Ms. Babu argued there is insufficient evidence as

the video does not show the entrance to the school or park.

Here, upon review of the video, Respondent has not presented a meritorious defense as no exception to the rule was shown. Here, even if Respondent was actively working, no processing equipment was being used requiring the engine to be on. Further, the video does not have to show the actual school or park entrance for the summons to stand as the summons presents a prima facie case.

I credit the sworn testimony of the I/O and find that Petitioner has proven its case by a preponderance of the evidence.

Accordingly, the summons is SUSTAINED.



03/17/2026

03/17/2026

Joseph Fan, Judicial Hearing Officer

Date