



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000955832M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASINIG CORPORATION Hearing Date: 03/16/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000955832M	Dismissed	10/02/2024	39-02 QUEENS BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent PENSKE TRUCK LEASINIG CORPORATION appeared by Auth. Rep. Ilma Babu

DEP Rep. M. Grosso waived appearance via email for Petitioner.

On 10/2/24, at 39-02 QUEENS BOULEVARD, Queens, the I/O issued this summons alleging a violation of 24-163 (2nd offense, unopposed).

Ms. Babu submitted into the record a copy of the time/date-stamped video (6 min, 9 seconds) of the alleged idling, which was reviewed by the Court.

Ms. Babu argued the video shows the truck at a gas station actively getting gas – the engine is not on and the sound is from other trucks.

Here, upon review of the video, it does not support the violation. The cited vehicle's engine cannot be heard and it is not dispositive that it is on. Further, it appears that the driver is credibly getting gas for the vehicle and therefore the engine was likely off.

Petitioner has not proven its case by a preponderance of the evidence. The allegation has been rebutted.

Accordingly, the summons is DISMISSED.



03/17/2026

03/17/2026

Joseph Fan, Judicial Hearing Officer

Date