



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000956479P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO L P Hearing Date: 03/18/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000956479P	Sustained	10/04/2024	INTERSECTION OF COURT STREET AND ATLANTIC AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

Ilma Babu Esq., appeared on behalf of the Respondent, Penske Truck Leasing Co L P.

Michael Grosso appeared on behalf of the Petitioner, the DEP.

The summons alleges a violation of NYC Administrative Code 24-163, Respondent caused or permitted the idling of a motor vehicle engine while parked, standing, or stopped. As per DEP records, citizen observed truck with IN License plate #3335801, idling for longer than three minutes from 10/4/2024 8:45:45 AM to 10/4/2024 8:49:15 AM at intersection of Court Street and Atlantic Avenue.

Mr. Grosso presented a video and four screenshots showing the license plate, company name, and processing unit, along with a USDOT printout.

Mr. Grosso stated that processing unit was independently powered and that the liftgate in back, while loaded with boxes, was not in use at any time during the video.

Ms Babu argued that the boxes being on the lift was sufficient to indicate that there was active work.

Mr. Grosso stated that the lift in motion would be active work; a stationary lift is not active work.

I find that the lift was not in use at the time of observance and thus that the Respondent has not established a valid defense or credible rebuttal.

The summons is sustained.

	
03/20/2026	03/20/2026
Sean Gralton, Judicial Hearing Officer	Date