



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000966994Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 04/13/2026 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
000966994Z	Sustained	10/18/2024	ON GRAND STREET BETWEEN ESSEX ST and LUDLOW Manhattan

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

Findings of Fact & Conclusions of Law

A hearing was held on 4-13-26 by telephone. Respondent 's authorized representative appeared and waived an interpreter and an attorney. Respondent was charged with Idling after respondent caused or allowed a truck to Idle with its engine on for 1 minute or longer adjacent to a high school on Essex Street and Ludlow. The offense is charged as first offense. Petitioner was represented by Michael Grosso.

Petitioner submitted an evidence package marked as Exhibit 1. The package included photographs of the truck documenting the business logo and the plate, the redacted Idling complaint and citizen statement , a video of the truck idling adjacent to the school taken by the citizen and a document confirming the named respondent as the registered owner.

Petitioner rests on the summons and submitted evidence and states in furtherance that the engine noise can be heard in the video and no processing device is in use and there was no lift gate on the truck in use. The evidence was reviewed by the parties.

Respondent state that the truck was idling after hours meaning the summons issued at 5:30 A.M. and thus school was not in session and the truck was not impeding traffic based on the video evidence. Petitioner states in rebuttal that the rule does not require the school to be open or in session for an idling violation to be established.

Code § 24-163(f) prohibits idling a motor vehicle engine for longer than one minutes while parking, standing, or stopping adjacent to a school. Per 48 RCNY § 6-12(b), the IO's summons, affirmed under penalty of perjury, was sufficient to establish Petitioner's prima facie case. See DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019). Respondent has failed to raise a valid defense as the rule prohibits idling for more than one minute adjacent to a school. The rule does not require the school to be in session or conducting business. Accordingly the summons is sustained.



04/13/2026

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Janet Albertson, Judicial Hearing Officer

Date