



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS  
Hearings Division

DECISION

|                                                                                      |                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592 PACIFIC STREET<br>Brooklyn, NY 11217 | <b>Summons No: 000969905L et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE TRUCK LEASING CORP</b><br><br><b>Hearing Date: 04/22/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$350.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE      |
|------------|---------------------|--------------------|--------------------------|
| 000969905L | Sustained           | 08/20/2024         | 151-02 132 AVENUE Queens |

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

**Findings of Fact & Conclusions of Law**

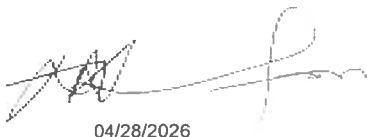
Petitioner appeared by DEP representative, Antwan Gibbs. Respondent, PENSKE TRUCK LEASING CORP., appeared by its authorized representative, Ilma Babu, to answer a charge of allowing its truck to idle for more than 3 minutes without an mechanical movement while parked, standing or stopped.

Mr. Gibbs stated that the charge was based on a citizen complaint and submitted pictures of the cited truck and location; the citizen affidavit; Respondent's USDOT information; and a time-stamped video of the incident (see Pet. Exhs. A, B, C & D). It is noted that the video was unable to be uploaded into OATH's ATAS platform. I however viewed the video during and after the hearing.

In response, Ms. Babu testified that the the cited location is not a regular street and seems like a parking lot.

Mr. Gibbs stated that application of the the idling law made no difference between whether a vehicle was on the street or in a parking lot.

I credit the allegation in the summons as well as the testimony and evidence presented by Mr. Gibbs I find that Respondent has neither rebutted the charge nor established a valid defense to the violation. Accordingly, I find that the Responent's truck improperly idled for more than 3 minutes on the day in question without any mechanical movement while parked, standing or stopped. Therefore, the summons is SUSTAINED.



04/28/2026

04/28/2026

Akinwale Akinrefon, Judicial Hearing Officer

Date