



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000973556Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 05/06/2026 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
000973556Y	Sustained	12/03/2024	22 WEST 19 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Ilma Babu appeared for Respondent by phone. Senior Inspector John McLaughlin, DEP, appeared by phone.

The summons alleges that a truck with IN Plate #3569963 was idling for longer than three minutes on 12/3/24 from 12:20:03 pm to 12:23:52pm.

The DEP submitted photos of truck (P1); redacted complaint (P2) and video (P3).

Ms. Babu denied the charge and argued that the lift is seen working and being brought down. There are boxes on the side of

the truck, and they are loading the boxes.

I do not see from the video the lift actively working. It appears down, but the boxes never move or are loaded up. I do not see active activity.

I find that the summons and the video are credible to establish a prima facie case of the truck idling for more than three minutes. Summons sustained.

E. Barrett

05/15/2026

05/15/2026

Elizabeth Barrett, Judicial Hearing Officer

Date