



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACIMIAS LAW FIRM PLLC
592 PACIFIC STREET
Brooklyn, NY 11217

Summons# : 000982270N et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 6/3/2026

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 600.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000982270N	Sustained	12/06/2024	W. 23rd St. bet. 5th & 6th Avenues , Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

A remote phone hearing was held on 6/3/2026 on Summons Number 000982270N.

Sr. Inspector Monica Dorson appeared on behalf of the Petitioner, the Department of Environmental Protection ("DEP"). Respondent, "Penske Truck Leasing Corporation", was represented at the phone hearing by Ilma Babu of Nacimias Law.

The Petitioner charges Respondent on 12/6/2024 with a violation of Adm. Code 24-163 as a 3rd offense for "...idling of motor vehicle engine for more than 3 minutes ...".

Petitioner rested on the narrative on the sworn-to-summons. Respondent's representative denied the charge but offered no rebuttal.

Petitioner has established a prima facie case for a violation of the rule cited on the summons. A summons affirmed under penalty of perjury will be admitted as prima facie evidence of the facts stated. When an employee of the enforcement agency affirms in the summons that he or she observed the commission of the violation charged in the summons issued to the Respondent, this is sufficient to establish Petitioner's prima facie case.

I credit the narrative on the sworn-to-summons issued by the Petitioner. Respondent failed to refute the charge or to provide a defense. See 48 RCNY § 6-12(a). Respondent's representative denied the charge but offered no evidence or sworn testimony to dispute or rebut the Petitioner's prima facie case.

Accordingly, I find that the Petitioner has established a prima facie case for the violation by the Respondent of the Adm. Code 24-163. The Respondent has failed to rebut the Petitioner's case with any evidence of its own to the contrary or to provide a valid defense to the charge.

Accordingly, the Respondent is found to be in violation of rule 24-163 as a 3rd offense. The summons is sustained, and a standard penalty is imposed.

 06/04/2026	06/04/2026
Michael Psaros, Hearing Officer	Date