



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000856815R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL COMPANY Hearing Date: 02/11/2026 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
000856815R	Sustained	04/09/2024	ON 3 AV BETWEEN 3 ST AND 6 ST Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

Ilma Babu appeared on behalf of the Respondent, Penske Leasing and Rental Company.

The Petitioner waived appearance by email.

The summons alleges a violation of NYC Administrative Code 24-163, idling of motor vehicle engine for more than one minutes while adjacent to school, 3rd and subsequent offense, Respondent caused or permitted the idling of a motor vehicle while parked, standing, or stopped while adjacent to Al-Madinah School. As per DEP records, citizen observed truck with NY license plat #13123MP idling for longer than one minute from 4/9/2024 12:08:59 PM to 4/9/2024 12:11:01 PM on 3rd Avenue

between 3rd street and 6th street.

Ms Babu presented the video taken by the citizen complainant. Ms Babu stated that the video shows the driver and another worker at the back of the truck commencing unloading at 2:40 seconds into the video. She stated that active unloading should not be considered idling under the section of law cited. Ms Babu did not challenge the underlying violations.

I find that the law does not provide an unloading exception where a liftgate requiring the engagement of the engine is not in use; in this case the cited vehicle does not have a liftgate. Further, even if a liftgate had been in use, the unloading commenced at 2:40 into the video, and the charge is of idling for more than a minute outside a school.

I find that the Respondent has not established a recognized defense to the valid prima facie case stated in the summons.

The summons is sustained and the penalty for a third and subsequent violation imposed..

<i>Sean Gralton</i>	02/11/2026
02/11/2026	02/11/2026
Sean Gralton, Judicial Hearing Officer	Date