



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET, 1st floor Brooklyn, NY 11217	Summons No: 000892885K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 03/02/2026 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
000892885K	Sustained	05/03/2024	ON W 41ST ST BETWEEN 8TH AVE AND 7TH AVENUE Manhattan

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

Findings of Fact & Conclusions of Law

Summons # 000892885K was issued to respondent Penske Leasing and Rental Company for a violation of section 24-163; idling of a motor vehicle engine for more than three minutes, 1st offense.

Ilma Babu appeared for the respondent.

Michael Grosso appeared by email for the Petitioner, DEP and stated that there were no representatives available and the Department is relying on the summons.

The respondent submitted a copy of the video. See Respondent's Exhibit A.

The respondent stated that lift is down. Work is being done. She was informed by a different driver from Penske, at another time, that it would be hazardous to leave the lift down if work is not being done. She does not know specifically if the driver is in the seat and another employee is dropping off the products.

The summons and video are credited.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

The video lasted 4 minutes and 23 seconds. During the entire time of the video, the motor vehicle engine was idling and there were the audible sounds of the engine. There was no loading or unloading of items and there was no processing device in operation.

The video shows that the lift was down. A driver was in a seat. There was no loading or unloading of items and there was no processing device in operation during the video.

The video does not show any active work being done.

Accordingly, the summons is sustained and a first offense penalty in the amount of \$350.00 is imposed.

<i>Michelle Mason</i>	03/03/2026
03/03/2026	
Michelle Mason, Judicial Hearing Officer	Date