



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000936285Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 01/02/2026 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
000936285Z	Sustained	10/16/2024	ON COLUMBUS AVE BETWEEN W 73RD ST AND W 72ND ST Manhattan

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

Findings of Fact & Conclusions of Law

Respondent, PENSKE LEASING & RENTAL CO, appeared via telephone in response to the above issued summons. Respondent was represented by authorized representative, Ilma Babu. Petitioner, Department of Environmental Protection, was represented by Leah Smith. The summons alleges a violation of NYC Administrative Code 24-163.

Ms. Smith submitted an evidence packet in support of the summons consisting of photos of the vehicle, a redacted copy of the idling complaint, and a video. Ms. Smith testified that the sound of the engine was audible throughout the video. Ms. Smith testified that the processing device was not engaged. Ms. Smith testified that there was a liftgate, but it was in the same position both times it was shown in the video. Ms. Smith testified that there were people working in the back, but they were

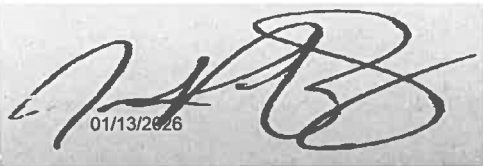
not using the liftgate.

Ms. Babu testified that there were people working and the liftgate was midway down. Ms. Babu testified that the worker jumped up onto the platform so there could have been a mechanical issue. Ms. Babu testified that there was ongoing work at the time of the violation.

Ms. Smith did not offer a rebuttal.

I credit the issuing officer's statement and find that Petitioner proved this violation by a preponderance of the evidence. Respondent has not established a valid defense as Respondent has not provided any evidence to show that the processing device was in use during the time of the violation.

Accordingly, this summons is sustained.



01/13/2026

01/13/2026

Trishawn Raffington, Judicial Hearing Officer

Date