



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS  
Hearings Division

DECISION

|                                                                               |                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ILMA BABU - NACMIAS LAW FIRM PLLC<br>592 PACIFIC STREET<br>Brooklyn, NY 11217 | Summons No: 000936371P et al. (1 Summons)<br><br>DEPT OF ENVIRONMENTAL PROTECTION,<br><br>-against-<br><br>PENSKE LEASING & RENTAL CO<br><br>Hearing Date: 01/02/2026<br><br>Hearing Location: Remote<br><br>Type of Hearing: By Telephone |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| Total Penalty Amount: <b>\$350.00</b>        |
| Community Service(Hr): <b>Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE         |
|------------|---------------------|--------------------|-----------------------------|
| 000936371P | Sustained           | 02/05/2025         | 34 EAST 49 STREET 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. Babu testified that the video does not show the back of the vehicle. Ms. Babu testified that the liftgate could have been in use. Ms. Babu testified that it is unclear if the employees were not working 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