



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592PACIFIC STREET Brooklyn, NY 11217	Summons No: 000937008P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING & RENTAL CO Hearing Date: 03/16/2026 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
000937008P	Sustained	01/24/2025	285 WEST END AVENUE 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 by Auth. Rep. Ilma Babu
DEP Rep. M. Grosso waived appearance via email for Petitioner.

On 1/24/25, at 285 WEST END AVENUE, Manhattan, the I/O issued this summons alleging a violation of 24-163.

Ms. Babu submitted into the record a copy of the time/date-stamped video (3 min, 47 seconds) of the alleged idling, which was reviewed by the Court.

Ms. Babu argued the video shows active work is going on and the street is narrow so they must keep moving the truck in-between parked cars.

Here, upon review of the video, Respondent has not presented a meritorious defense as no exception to the rule was shown.

Here, even if Respondent was actively working, no processing equipment was being used requiring the engine to be on and the engine could just have easily have been turned on if the vehicle needed to be moved.
I credit the sworn testimony of the I/O and find that Petitioner has proven its case by a preponderance of the evidence.
Accordingly, the summons is SUSTAINED.

	
03/17/2026	03/17/2026
Joseph Fan, Judicial Hearing Officer	Date