



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000937959K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL CO Hearing Date: 01/12/2026 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
000937959K	Sustained	02/24/2025	450 LEXINGTON 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 # 000937959K was issued to respondent Penske Leasing and Rental Co. for a violation of section 24-163; idling of motor vehicle engine for more than three minutes, 1st offense.

Ilma Babu appeared for the respondent.

Senior Inspector Monica Dorson appeared for the Petitioner, DEP.

The Petitioner submitted a complaint, affidavit of service, photographs of the vehicle with the company name and license plate

number, and four-minute video. See Petitioner's Exhibit 1.

The Petitioner stated that the vehicle was idling for more than three minutes. There was no active loading or unloading taking place and there was no processing equipment in use. There was an audible engine sound throughout the video.

The respondent stated that the back door of the truck was open; there must have been active work going on. It is a narrow street. The respondent driver needed to keep the truck engine running so it could move quickly to give space to the other cars in case they wanted to get through the street.

The Petitioner stated that rules 24-163 has narrow exemptions, such as for loading and unloading and processing equipment. None of these exemptions apply.

The summons and evidence submitted by the Petitioner are credited.

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

Idling an engine so that the vehicle can move quickly to give space for other vehicles to drive by is not a valid exemption to section 24-163.

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

	
01/13/2026	01/13/2026
Michelle Mason, Judicial Hearing Officer	Date