



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**Decision**

|                                                                                                                |                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br><b>592 PACIFIC STREET FIRST FLOOR</b><br><b>Brooklyn, NY 11217</b> | <b>Summons# : 000949167K et al. (2 summonses)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>ANY PENSKE LEASING AND RENTAL COMP</b><br><br><b>Hearing Date : 2/24/2026</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                               |               |                               |                       |
|-------------------------------|---------------|-------------------------------|-----------------------|
| <b>Total Penalty Amount :</b> | <b>700.00</b> | <b>Community Service(Hr):</b> | <b>Not Applicable</b> |
|-------------------------------|---------------|-------------------------------|-----------------------|

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>                    |
|------------------|----------------------------|---------------------------|-----------------------------------------------|
| 000949167K       | Sustained                  | 09/11/2024                | 1TH AVE btw W 50TH ST<br>and 49 ST, Manhattan |

| <b>LINE ITEM</b> | <b>OATH CODE</b> | <b>CODE SECTION / RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|------------------|------------------|----------------------------|---------------|----------------|
| 1                | BA51             | 24 -163                    | Sustained     | 350.00         |

**Total Penalty for Summons: 350.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 000949343K | Sustained              | 09/09/2024         | 102 WEST 57 STREET,<br>Manhattan |

  

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

**Total Penalty for Summons: 350.00**

### **Findings of Facts & Conclusions of Law**

This matter was heard remotely, via telephonic conference, on February 24, 2026. Respondent appeared via Ilma Babu, identified as the authorized representative for the named respondent. Petitioner waived their appearance.

000949167K – Penske Leasing and Rental Co

The summons alleges a violation of NYC AC 24-163. The date of occurrence was September 11, 2024, at 10:51am.

Respondent denies the charges, without rebuttal.

As such, the summons is hereby sustained, and the statutory penalty is imposed.

000949343K

The summons alleges a violation of NYC AC 24-163. The date of occurrence was September 9, 2024, at 10:20pm.

Respondent presents the citizen's video, as evidence; the video is 4:18 in length, time-stamped in accordance with the summons. Respondent testifies that they do not hear the engine noise throughout the video, and it instead appears to be "outside sounds" and not engine sounds.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges. My viewing of the video shows that there is a low, but clear, engine noise throughout the video, which gets louder when the citizen approaches the cited vehicle, near the end of the video.

As such, the summons is hereby sustained, and the statutory penalty is imposed.



02/24/2026

02/24/2026

**Craig Messing, Judicial Hearing Officer**

**Date**