



Office of Administrative Trials and Hearings
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000952538H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL CO Hearing Date: 03/06/2026 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
000952538H	Sustained	09/21/2024	175 Montague St. Brooklyn

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

Findings of Fact & Conclusions of Law

John McLaughlin, DEP

Ilma Babu, authorized representative

24-163: Idling of motor vehicle for more than 3 minutes /1 st offense

Petitioner submitted images of the vehicle, vehicle tag info, redacted complaint and a link to a video in support. Ms. Babu did not dispute that the cited vehicle's engine was idling but stated that there was active work going on and while the lift did not actually move, it may have been required.

Respondent's defense is rejected as the video shows work going on for more than 3 minutes at the rear of the cited vehicle with lift not in operation. A theoretical possibility that the lift might be required is not a valid defense to the charge. The summons is sustained.

<i>David Pantaleoni</i>	
03/06/2026	03/06/2026
David Pantaleoni, Judicial Hearing Officer	Date

Petitioner submitted images of the vehicle, prior summonses, redacted complaint and a link to a video in support. Ms. Babu did not deny the prior violations nor that the vehicle engine was left running but argued that the school signage was not prominent nor particularly visible to drivers.

Review of the video shows there is a large sign stating "TAWACS THE ART OF WORDS COMMUNITY SCHOOL" posted on a door across from the cited vehicle. I find that the sign was sufficiently prominent to give notice to the driver of the vehicle that they were idling a motor vehicle engine next to a school. I credit the statements in the summons and find that Respondent idled a motor vehicle engine next to a school for more than 1 minute as described in the summons and that it is a 3rd offense. Sustained as a 3rd offense.

<i>David Pantaleoni</i>	
03/06/2026	03/06/2026
David Pantaleoni, Judicial Hearing Officer	Date