



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000952086X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 03/04/2026 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000952086X	Sustained	08/19/2024	ON EAST 20TH STREET BETWEEN PARK Manhattan

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

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone hearing on March 4, 2026.

Ilma Babu, authorized representative, appeared for the Respondent Penske Leasing and Rental at the hearing. DEP waived their appearance and relied on the summons.

The Respondent is charged with code section 24-163 for vehicle idling for more than 3 minutes, first offense. Respondent denied the allegation but provided no evidence to rebut the Petitioner's case.

I credit the summons details and find that the petitioner has established a valid charge against the respondent. Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), a summons affirmed under penalty of perjury will be admitted as prima facie evidence of the facts stated. Code § 24-163 provides an exemption when idling occurs because the vehicle's engine was being "used to operate a loading, unloading or processing device." Once Petitioner established its case it became Respondent's burden to disprove the violation or establish an affirmative defense. See 48 RCNY § 6-12(a). Here, Respondent denied the allegation but did not provide any evidence to rebut the Petitioner's prima facie case.

Therefore, I find Respondent in violation and impose the first offense penalty of \$350.



03/19/2026

03/19/2026

Melissa Petrozza, Judicial Hearing Officer

Date