



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

ILMA BABU - NACIMIAS LAW FIRM PLLC 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000984190M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL CO Hearing Date: 06/03/2026 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
000984190M	Sustained	01/16/2025	W. 17th Street bet. 7th & 6th Avenues Manhattan

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

Findings of Fact & Conclusions of Law

A remote phone hearing was held on 6/3/2026 on Summons Number 000984190M.

Sr. Inspector Monica Dorson appeared on behalf of the Petitioner, the Department of Environmental Protection ("DEP"). Respondent, "Penske Leasing and Rental Co.", was represented at the phone hearing by Ilma Babu of Nacimias Law.

The Petitioner charges Respondent on 1/16/2025 with a violation of Adm. Code 24-163 as a 1st offense for "...idling of motor vehicle engine for more than 3 minutes ...".

Petitioner rested on the narrative on the sworn-to-summons. Respondent's representative denied the charge but offered no rebuttal.

Petitioner has established a prima facie case for a violation of the rule cited on the summons. A summons affirmed under penalty of perjury will be admitted as prima facie evidence of the facts stated. When an employee of the enforcement agency affirms in the summons that he or she observed the commission of the violation charged in the summons issued to the Respondent, this is sufficient to establish Petitioner's prima facie case.

I credit the narrative on the sworn-to-summons issued by the Petitioner. Respondent failed to refute the charge or to provide a defense. See 48 RCNY § 6-12(a). Respondent's representative denied the charge but offered no evidence or sworn testimony to dispute or rebut the Petitioner's prima facie case.

Accordingly, I find that the Petitioner has established a prima facie case for the violation by the Respondent of the Adm. Code 24-163. The Respondent has failed to rebut the Petitioner's case with any evidence of its own to the contrary or to provide a valid defense to the charge.

Accordingly, the Respondent is found to be in violation of rule 24-163 as a 1st offense. The summons is sustained, and a standard penalty is imposed.


06/04/2026

06/04/2026

Michael Psaros, Judicial Hearing Officer

Date