



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

**DECISION**

|                                                                                      |                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ILMA BABU - NACMIAS LAW FIRM PLLC</b><br>592 PACIFIC STREET<br>Brooklyn, NY 11217 | <b>Summons No: 000982382H et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE LEASING AND RENTALS INC</b><br><br><b>Hearing Date: 06/01/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$350.00</b>        |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b> |
|------------------|----------------------------|---------------------------|----------------------------|
| 000982382H       | Sustained                  | 01/14/2025                | 1260 2 AVENUE Manhattan    |

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

**Findings of Fact & Conclusions of Law**

Ilma Babu appeared as the authorized representative for the respondent, Penske Leasing and Rentals Inc., and waived the right to counsel and the appearance of the issuing officer. Antwan Gibbs appeared as the representative for the petitioner, the Department of Environmental Protection.

The summons alleges that respondent caused or permitted the idling of a motor vehicle while parked, standing or stopped. As per DEP records, citizen observed TRUCK with NY License Plate #15329NE idling for longer than three minutes from 1/14/2025 12:52:03 PM to 1/14/2025 12:56:31 PM at 1260 2nd Avenue.

The respondent is charged with Administrative Code 24-163, which states, "No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route."

Petitioner's representative noted that respondent is making a denial with no rebuttal. He rested on the face of the summons.

Respondent's representative provided nothing further.

I credit the inspector's factual allegations, and find that at the time of occurrence, respondent had caused or permitted the engine of the cited motor vehicle to idle for longer than three minutes. Accordingly, the summons is sustained and the statutory penalty of \$350 is due.

*Grace Chen*

06/09/2026

06/09/2026

Grace Chen, Judicial Hearing Officer

Date