



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

ILMA BABU - NACMIAS LAW FIRM PLLC
592 PACIFIC STREET
Brooklyn, NY 11217

Summons# : 000982850J et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE LEASING AND RENTALS INC

Hearing Date : 6/1/2026

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
000982850J	Sustained	01/16/2025	502 WEST 113 STREET, 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

Ilima Babu appeared as the authorized representative for the respondent, Penske Leasing and Rental Company, 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 VAN with NY License Plate #87172NA idling for longer than three minutes from 1/16/2025 4:08:01 PM to 1/16/2025 4:12:04 PM at 502 W 113 Street.

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 submitted an evidence packet, including a redacted idling complaint form; the face of the summons with an affirmation of service; the vehicle registration; photos, showing identifying features of the vehicle and plate; and a video (4 minutes, 55 seconds). He rested on the face of the summons and evidence. For most of the video, there is a continuous idling engine noise. No processing device was seen on the vehicle, so there was no reason for the vehicle to be idling.

Respondent's representative stated that after reviewing the video, they could see a fire station. They kept the engine idling in case they needed to move away from the fire station.

While credited, respondent's representative's statements do not provide a meritorious defense. I credit the inspector's factual allegations and petitioner's evidence, 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.

	
06/09/2026	06/09/2026
Grace Chen, Hearing Officer	Date