OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000890149N et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000890149N	Sustained	07/31/2024	I/o COURT ST and 2nd Pl., Brooklyn

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

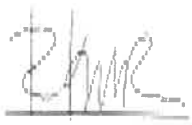
Respondent acknowledged that they viewed the agency's evidence.

Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000892229M et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000892229M	Sustained	05/29/2024	ON MOTT ST. brwn Spring and Prince Streets,

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

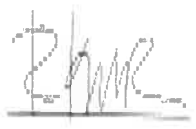
Respondent acknowledged that they viewed the agency's evidence.

Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000872302L et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000872302L	Sustained	06/19/2024	ON MAIN STBETWEEN 76TH AVE AND, Queens

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

Respondent acknowledged that they viewed the agency's evidence.

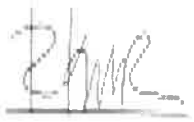
Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while

parking as defined in section one hundred twenty-nine of the vehicle and traffic law[VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000924152R et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000924152R	Sustained	01/17/2025	ON E 17TH ST btwn Park and Union Sqr. West,

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

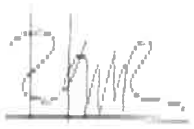
Respondent acknowledged that they viewed the agency's evidence.

Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000872294K et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000872294K	Sustained	08/02/2024	ON HORACE HARDING EXPRESSWAY S S, Queens

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

Respondent acknowledged that they viewed the agency's evidence.

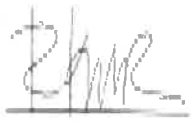
Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while

parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000957062Y et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **Hearing Location :** Remote **Type of Hearing :** By Telephone

Total Penalty Amount : 600.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000957062Y	Sustained	03/15/2025	888 8 AVENUE, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes. This is charged as a third offense.

Respondent acknowledged that they viewed the agency's evidence. Respondent did not challenge the prior violations.

Code § 24-163(a) provides in pertinent part:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally

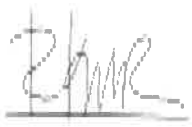
authorized emergency motor vehicle, to idle for longer than three minutes . . . while

parking as defined in section one hundred twenty-nine of the vehicle and traffic law

[VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 3rd offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000923731R et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000923731R	Sustained	01/13/2025	HUDSON AVE and FULTON ST, Brooklyn

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

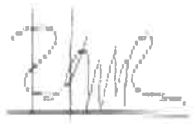
Respondent acknowledged that they viewed the agency's evidence.

Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000891507Z et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/14/2026 **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
000891507Z	Sustained	04/30/2024	ON 52ND St btwn Skillman and Roosevelt Ave, Queens

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

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted via telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than three minutes.

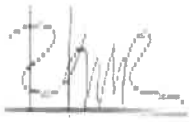
Respondent acknowledged that they viewed the agency's evidence.

Code § 24-163(a) provides in pertinent part:

(a) 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 . . . while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device. [Emphasis added.]

Respondent asserted it had received and reviewed petitioner's evidence, denied the violation but offered no rebuttal evidence.

I credit the summons. The summons is for violating Code § 24-163 is sustained and the standard civil penalty is imposed for a 1st offense.



10/14/2026

10/14/2026

Rebecca Kramer, Hearing Officer

Date

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 000891284K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP **Hearing Date:** 10/14/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000891284K	Dismissed	05/01/2024	21 ASTOR PLACE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	$0.00

Findings of Fact & Conclusions of Law

Petitioner, NYC Environmental Protection, appeared by Senior Inspector Joyce. Respondent appeared by TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC.

This hearing was conducted *via* telephone on October 14, 2026.

Respondent is charged with Code § 24-163, in that there was a citizen-complainant that observed Respondent's vehicle, idling for longer than 1 minute by a school.

DEP submitted an extensive evidence package with photos and the citizen's video. *See*, Petitioner's Exhibit 1.

The complaint states, "2nd offense, see 000797731M (rescheduled defaulted). May be third or subsequent offense, see 000816647K (new issuance). Vehicle idled continuously for more than one minute adjacent to a school. No processing equipment or lift gate was used for the duration of the observed period as documented by the video. USDOT 2468560. The vehicle was observed directly across from 2-10 Astor Place, site of the Hetrick-Martin Institute and M586 Harvey Milk High School (https://www.schools.nyc.gov/schools/M586). Driver was in direct line of sight of NYC Department of Education postings on the door of the school next to their idling spot. Truck has a refrigeration unit which can run independently of the main engine using a separate exhaust pipe. According to

the manufacturer documentation for this model, it has an independent engine to run its own compressor and the main vehicle engine does not have to be on. However, the main engine of the truck was recorded during the video to be on continuously throughout the observed period."

Respondent acknowledged that they viewed the agency's evidence. Respondent challenged this violation with a claim that the school was not visible in the video.

DEP replied that their evidence demonstrated a school was visible in the video and relied on the summons address.

Code § 24-163(f) provides in pertinent part:

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 one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law [VTL], standing as defined in section one hundred forty-five of the [VTL], or stopping as defined in section one hundred forty-seven of the [VTL], unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school or park was not easily identifiable as a school or park by signage or otherwise at the time a violation of this subdivision occurred. For purposes of this subdivision, "park" means a park that has been designated with a name and is identified as a park on the website of the department of parks and recreation and does not include any parking lot located within such park.

Address on compliant is "In Front of 21 Astor Place."

The school on the complaint is site of the Hetrick-Martin Institute and M586 Harvey Milk High School."

Having reviewed the video, I do not find that the school was easily identifiable from the exterior and the address noted by the civilian is nearly one city block away from the operator's door of the summonsed vehicle.

Respondent has presented a valid defense.

DISMISSED.

10/14/2026	10/14/2026
Rebecca Kramer, Judicial Hearing Officer	**Date**