OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons# : 000920777Z et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O'KANE ELECTRIC COMPANY Hearing Date : 9/21/2026 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
000920777Z	Sustained	12/18/2024	8 WEST 47 STREET, 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

I sustain the summons and impose the $600.00 statutory third offense penalty.

Tiffany Irizarry (Representative) appeared at the teleconference hearing for respondent HUGH O'KANE ELECTRIC CO INC (Respondent). Representative waived her rights to translation services, an attorney and the presence of the issuing officer. Petitioner New York City Department of Environmental Protection (DEP) did not appear at the hearing.

Respondent was cited for a third offense violation of Section 24-163 of the Administrative Code of the City of New York (Code) for a motor vehicle's engine idling longer than three minutes.

Code Section 24-163(a) provides, in pertinent part, that "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." Petitioner may issue a summons based on a complaint filed by a citizen together with evidence of such violation. See Code Section 24-182(a)-(b); Academy Lines LLC, 1900531.

Code Section 24-163(a) provides, in pertinent part, that:

"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 . . . unless the engine is used to operate a loading, unloading or processing device."

Code Section 24-104 defines "process" as:

"any industrial, commercial, agricultural or other activity, operation, manufacture or treatment in which chemical, biological and/or physical properties of the material or materials are changed, or in which the material(s) is conveyed or stored without changing the material(s) (where such conveyance or storage system is equipped with a vent(s) and is non-mobile), and which emits air contaminants to the outdoor atmosphere. A process does not include an open fire, operation of a combustion installation, or incineration of refuse other than by-products or wastes from processes."

Code Section 24-182(a) provides:

"Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections 24-143 and 24-163 of this code, but still applicable . . . trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation." See also Academy Lines LLC, 1900531 (petitioner may issue a summons based on a complaint filed by a citizen together with evidence of such violation).

Petitioner relied on the summons to establish its case. Counsel denied the summons without rebuttal. I credit the summons and find that Petitioner has established a third offense violation of Code Section 24-163 by a

preponderance of the evidence. Accordingly, I sustain the summons and impose the $600.00 statutory third offense penalty.



09/23/2026

09/23/2026

Thomas Finn, Hearing Officer — Date