



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC
592 PACIFIC STREET
BROOKLYN, NY 11217

Summons# : 000956169J et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO L P

Hearing Date : 9/1/2026

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
000956169J	Sustained	11/06/2024	1186 3 AVENUE, 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

The hearing was conducted by telephone on Court Call on September 1, 2026. Petitioner was represented by Inspector Dantney Parks. Respondent was represented by authorized representative Tiffany Irizarry.

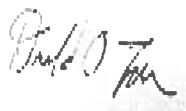
The summons charged a violation of 24-163 of the Administrative Code, idling a motor vehicle engine for longer than three minutes.

Petitioner offered into evidence a redacted idling complaint and supporting images (Exhibit 1). Petitioner also provided a video, which was viewed during the hearing.

Respondent argued that the video wasn't conclusive in demonstrating the liftgate was not in use. Respondent did not provide representations or evidence that the liftgate was in use.

The sworn allegations in the summons establish a prima facie case, and respondent has the burden of rebutting the summons or establishing an affirmative defense. See DEP v. DHL, Appeal No. 2201413 (March 23, 2023). Respondent has not done so.

I credit the summons. The summons is sustained.



09/02/2026

09/02/2026

Donald Lash, Hearing Officer

Date