OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 000961350K et al. (1 Summons) **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **ON PENSKE TRUCK LEASING CORPORATI** **Hearing Date:** 09/29/2026 **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
000961350K	Sustained	09/18/2024	INTERSECTION OF 5TH AVENUE AND W 18th St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	$350.00

Findings of Fact & Conclusions of Law

This renote hearing was held on 9/29/2026. Leah Smtth from DEP had been present and relied on the summons. Tiffany lazzary for Respondent denied with no rebuttal.

This remote hearing was held on 9/29/2026. This was one of a group of cases for the same Respondent. Leah Smtth from DEP was present at the start of the cases but did not remain on the line since Respondent was not contesting these cases. Leah Smith made a blanket statement that DEP relies on the summons for this case. Respondent agreed. Tiffany lazzary, Authorized Representative appeared for Respondent in response to this summons alleging a violation of NYAC 24-163 for a vehicle idling with license plate no IN 3265707 more than 3 minutes on 9/18/2024 at the intersection of 5th Ave and West

18th Street ,Manhattan,,first offense. The first scheduled hearing date was 4/01/2026.

NYCAC 24-153 states :NYCAC 24-163 (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, 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

Respondent denied with no rebuttal. first offense.

This summons is sustained. Respondent is liable for the standard penalty of $350 for a first offense.

10/02/2026

10/02/2026

Ilene Fish, Judicial Hearing Officer **Date**