OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 000961831L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP **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
000961831L	Sustained	02/07/2025	457 WEST 50 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	$350.00

Findings of Fact & Conclusions of Law

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 Irizzary, Authorized Representative appeared for Respondent in response to this summons alleging a violation of NYAC 24-163(f) for a Truck idling with license plate no IN 3288990 more than 1 minute while adjacent to a school on 2/07 /2025 at 457 W 50th St, 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

(f) 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, or is adjacent to, as determined by rule, or within, any park under the jurisdiction of the New York city department of parks and recreation, 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...

Respondent denied with no rebuttal. first offense.

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

10/06/2026

10/06/2026

Ilene Fish, Judicial Hearing Officer **Date**