OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 000962129X 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
000962129X	Sustained	12/06/2024	ON WITHERS STREET BETWEEN VANDER Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	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 for a Truck idling with license plate no IN 2996303 more than 3 minutes on 12/06/2024 on Withers St between Vandervoort Av and Morgan Ave, Brooklyn. first offense. The first scheduled hearing date was 4/01/2026.

NYCAC 24-163 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.



10/06/2026

10/06/2026

Ilene Fish, Judicial Hearing Officer **Date**