# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

*Hearings Division*

## DECISION

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|---|---|
| TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC<br>592 PACIFIC STREET<br>BROOKLYN,NY 11217 | **Summons No:** 000962903X et al. (1 Summons)<br><br>DEPT OF ENVIRONMENTAL PROTECTION,<br><br>-against-<br><br>ANY PENSKE LEASING AND RENTAL COMP<br><br>**Hearing Date:** 09/29/2026<br><br>**Hearing Location:** Remote<br><br>**Type of Hearing:** By Telephone |

Total Penalty Amount:**$350.00**

Community Service(Hr): **Not Applicable**

| SUMMONS # | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE |
|---|---|---|---|
| 000962903X | Sustained | 10/30/2024 | 243 WEST 27 STREET Manhattan |

| 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 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 NY 50406NE more than 3 minutes on 10/30/2024 at 243 West 27th 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. 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**